NPT/CONF.2020/PC.I/WP.1

Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

22 March 2017

Original: English

First session
Vienna, 2-12 May 2017

Procedures in relation to exports of nuclear materials and certain categories of equipment and material under article III (2) of the Treaty on the Non-Proliferation of Nuclear Weapons

Working paper submitted by Argentina, Australia, Austria, Belgium, Belarus, Bulgaria, Canada, China, Croatia, Czechia, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Kazakhstan, Luxembourg, Netherlands, New Zealand, Norway, Poland, Portugal, the Republic of Korea, Romania, Russian Federation, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America as the members of the Zangger Committee

The co-sponsors propose that the Preparatory Committee submit to the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons the following language for inclusion in the final document of the Review Conference:

That the Review Conference:

(a) Note that a number of States parties meet regularly in an informal group known as the Zangger Committee in order to coordinate their implementation of article III (2) of the Treaty related to the supply of nuclear material and equipment. To this end, those States parties have adopted two memorandums, A and B, which include a list of items triggering International Atomic Energy Agency (IAEA) safeguards, for their exports to non-nuclear-weapon States not parties to the Treaty, as set forth in IAEA document INFCIRC/209, as amended. The Zangger Committee's memorandums also relate to exports to non-nuclear-weapon States parties to the Treaty, insofar as the recipient State should recognize the items on the trigger list, as well as the procedures and criteria under article III (2), as a basis for its own export control decisions, including re-exports;

17-04205 (E) 310317

Please recycle

(b) Endorse the importance of the Zangger Committee in providing guidance for the States parties in meeting their obligation under article III (2), and invite all States to adopt the memorandums of the Zangger Committee as minimal standards in connection with any nuclear cooperation;

(c) Recommend that the list of items triggering IAEA safeguards and the procedures for implementation, in accordance with article III (2), be reviewed from time to time to take into account advances in technology, proliferation sensitivity and changes in procurement practices;

(d) Urge the Zangger Committee to share its experience on export controls, so that States may draw on the arrangements of its memorandums.

NPT/CONF.2020/PC.I/WP.2

Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

15 March 2017

Original: English

First session
Vienna, 2-12 May 2017

Addressing "Vienna issues": the Comprehensive Nuclear-Test-Ban Treaty; compliance and verification; export controls; cooperation in the peaceful uses of nuclear energy; nuclear safety; nuclear security; and discouraging withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons

Working paper submitted by Australia, Austria, Canada, Denmark, Finland, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden (the Vienna Group of Ten)

1. The Vienna Group of Ten reconfirms its full commitment to the Treaty on the Non-Proliferation of Nuclear Weapons. The Non-Proliferation Treaty is the cornerstone of the international nuclear disarmament and non-proliferation regime and fundamentally contributes to international peace, stability and security. The Vienna Group of Ten places great importance on the universalization of the Treaty, and encourages all States that have not yet acceded to the Treaty to do so as soon as possible.

2. The Non-Proliferation Treaty plays a unique role in providing a framework that fosters international confidence and cooperation in the peaceful uses of nuclear energy. By aiming to ensure that nuclear materials, equipment, technology and facilities do not contribute to nuclear proliferation, the Treaty creates the necessary basis for peaceful nuclear cooperation and transfer.

3. Full and universal implementation of the Non-Proliferation Treaty remains essential to facilitating the peaceful use of nuclear applications in a growing range of areas. To this end, and highlighting the ongoing relevance and importance of the Treaty, nearly 140 International Atomic Energy Agency (IAEA) member States, including 35 least developed countries, have received assistance from IAEA. In addition, important progress has been made in the lead-up to, during and following the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, including the advancement of the 64-point action plan on nuclear disarmament from the 2010 Review Conference of the Parties to the Treaty on the

17-04217 (E) 100417

Please recycle

Non-Proliferation of Nuclear Weapons, and continued high-level focus on nuclear testing, the peaceful uses of nuclear energy and nuclear safety and security.

4. The lack of consensus at the 2015 Review Conference, together with limited progress on the implementation of nuclear disarmament commitments, the lack of universality and non-compliance challenges, do, however, test confidence in the Non-Proliferation Treaty. Given these challenges, it is imperative that discussions at the Preparatory Committee are conducted in a spirit of cooperation and help support the continued strengthening of the Treaty.

5. The three pillars of the Non-Proliferation Treaty remain equally important and mutually reinforcing. The Vienna Group of Ten calls on all States, including those outside of the Treaty, to redouble their efforts towards the fundamental goals of the Treaty, including full and irreversible disarmament.

6. We welcome the ongoing multilateral work of the International Partnership for Nuclear Disarmament Verification to develop and strengthen credible measures for verifying nuclear weapons dismantlement. We also welcome the adoption of resolution 71/67 on nuclear disarmament verification at the seventy-first session of the General Assembly, which, inter alia, requested that the Secretary-General establish a group of governmental experts to consider the role of verification in advancing nuclear disarmament.

7. We further highlight the important complementary roles of a fissile material cut-off treaty, as a quantitative control on nuclear weapons proliferation, and the Comprehensive Nuclear-Test-Ban Treaty, which provides the qualitative control. As such, the Vienna Group of Ten strongly supports the establishment of the high-level fissile material cut-off treaty expert preparatory group, following the adoption of resolution 71/259, entitled "Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices", at the seventy-first session of the General Assembly.

8. The present working paper aims to ensure that the so-called "Vienna issues" listed in the title of the paper are given appropriate weight during the work of the Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons in 2017, which begins the 2020 Review Conference cycle. In this regard, we would support development of an outcomes document that can be built on in successive Preparatory Committee meetings and feed constructively into the 2020 Review Conference.

9. **The Vienna Group of Ten proposes that the Preparatory Committee submit the following draft recommendations to the 2020 Review Conference**:

On the Comprehensive Nuclear-Test-Ban Treaty, that the Review Conference:

(1) *Affirm* that the Comprehensive Nuclear-Test-Ban Treaty is vital to the Non-Proliferation Treaty and constitutes a core element of the nuclear disarmament and nuclear non-proliferation regime;

(2) *Underline* that the entry into force of the Comprehensive Nuclear-Test-Ban Treaty is of the utmost urgency as it will provide the global community with a permanent, non-discriminatory, verifiable and legally binding commitment to end any nuclear weapon test explosion or any other nuclear explosion, as a means to constrain the development and qualitative

improvement of nuclear weapons, which combats both horizontal and vertical nuclear proliferation;

(3) *Urge* all States that have not yet done so to sign and/or ratify the Comprehensive Nuclear-Test-Ban Treaty without delay, in particular those remaining eight Annex 2 States necessary for the Comprehensive Nuclear-Test-Ban Treaty's entry into force;

(4) *Urge* all States to acknowledge the global de facto norm against nuclear testing and to maintain the moratorium on explosive nuclear tests, and refrain from any action that would defeat the object and purpose of the Comprehensive Nuclear-Test-Ban Treaty, pending its entry into force;

(5) *Urge* all States to support the development of the Comprehensive Nuclear-Test-Ban Treaty's verification regime, which is vital to the effectiveness of the Treaty and to maintaining the norm that existing signatures and ratifications establish against nuclear testing;

(6) *Urge* States signatories to support the work of the Provisional Technical Secretariat to ensure that the technical aspects of the Comprehensive Nuclear-Test-Ban Treaty Organization's work continue to move ahead so that the verification regime shall be capable of monitoring compliance with the Treaty at its entry into force and to sustain political progress towards entry into force;

(7) *Urge* States signatories to support the work of the Provisional Technical Secretariat to accelerate the completion of the International Monitoring System.

On compliance and verification, that the Review Conference:

(8) *Underline* the importance of building and maintaining confidence in the peaceful nature of nuclear activities in non-nuclear-weapon States;

(9) *Call* for the universal application of IAEA safeguards and *call* on all States to submit all relevant materials and activities, both current and future, to IAEA safeguards;

(10) *Urge* all States parties to the Non-Proliferation Treaty which have yet to bring into force comprehensive safeguards agreements to do so as soon as possible;

(11) *Recognize* the Additional Protocol, celebrating 20 years this year, as an integral part of the IAEA safeguards system, *affirm* that a comprehensive safeguards agreement, together with an additional protocol, represents the current verification standard pursuant to article III (1) of the Treaty, and *urge* all States parties that have not yet done so to conclude and bring into force an additional protocol as soon as possible;

(12) *Urge* all States to cooperate fully with IAEA in implementing safeguards agreements and in expeditiously addressing anomalies, inconsistencies and questions identified by IAEA in order to assist IAEA in drawing its annual safeguards conclusions with respect to the correctness and completeness of States' declarations;

(13) *Call* on all States currently in non-compliance with their Non-Proliferation Treaty safeguards obligations to remedy such non-compliance

forthwith and move promptly to return to compliance with all of their Treaty safeguards obligations;

(14) *Note* that, in order to draw credible safeguards conclusions, IAEA needs the full cooperation of States in the implementation of their safeguards agreements, including by receiving early design information;

(15) *Welcome* the efforts of the IAEA to apply the State-level concept to all States with a safeguards agreement in force, as part of the continuing evolution of the safeguards system necessary to increasing its effectiveness and efficiency.

On export controls, that the Review Conference:

(16) *Reaffirm* that all States parties are responsible for ensuring that their nuclear-related exports do not directly or indirectly assist in the development of nuclear weapons or other nuclear explosive devices and that such exports are conducted in full conformity with the objectives and undertakings of the Non-Proliferation Treaty;

(17) *Urge* all States to apply in their export controls the understandings of the Zangger Committee, which are designed to implement the obligations under article III of the Treaty, and to further make use of multilaterally negotiated and agreed upon export control guidelines and understandings;

(18) *Stress* that effective export controls are central to enabling cooperation in the peaceful uses of nuclear energy;

(19) *Recognize* that sound domestic laws and regulations are a prerequisite to optimal implementation of export controls;

(20) *Reaffirm* that the list of items triggering IAEA safeguards and the procedures for implementing control of these items, in accordance with article III (2) of the Treaty, should be reviewed from time to time to take into account advances in technology, their proliferation sensitivity and changes in procurement practices;

(21) *Welcome* States parties' increasing adherence to export control guidelines of the Zangger Committee and the Nuclear Suppliers Group, *encourage* further progress in this regard, and *call* on all States parties to examine opportunities offered by the increasing adherence to export controls with a view to strengthening the global nuclear disarmament and non-proliferation regime;

(22) *Reaffirm* that new supply arrangements for the transfer of source or special fissionable material or equipment or material especially designed or prepared for the processing, use or production of special fissionable material to non-nuclear-weapon States should require, as a necessary precondition, acceptance of full-scope IAEA safeguards, and *urge* all States to require an additional protocol based on the model INFCIRC/540 (Corrected), as a condition for new supply arrangements.

On cooperation in the peaceful uses of nuclear energy, that the Review Conference:

(23) *Recognize* the benefits that can be obtained from the peaceful applications of nuclear energy and nuclear techniques, and under article IV *acknowledge* the inalienable right of all States parties to undertake the

research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I, II and III of the Non-Proliferation Treaty;

(24) *Stress* that adherence to, and compliance with, the non-proliferation and verification requirements of the Treaty are preconditions for cooperation in this field, and that the highest levels of safety and security must be implemented and will facilitate the use of nuclear energy, including at all stages of the nuclear fuel cycle;

(25) *Underline* the essential role of IAEA in assisting developing States parties in engaging in the peaceful applications of nuclear energy and nuclear techniques, including through its Technical Cooperation Programme, as well as the further development of instruments, standards and codes of conduct to ensure human safety and environmental protection;

(26) *Emphasize* the important role that nuclear applications can play in realizing the goals of the 2030 Agenda for Sustainable Development, and *note* that the Sustainable Development Goals of States parties can provide a framework for tangible results to which the IAEA Technical Cooperation Programme, as a useful vehicle for technology transfer, can make an important contribution.

On nuclear safety, that the Review Conference:

(27) *Emphasize* the importance for States and international organizations to continue to take active steps to enhance safety measures for all fuel cycle activities;

(28) *Underline* that measures to strengthen nuclear safety facilitate international cooperation in the field of peaceful nuclear activities and the production, transfer and use of nuclear and other radioactive material;

(29) *Encourage* all States to become party to the Convention on Nuclear Safety and for contracting parties to fulfil their obligations under the Convention;

(30) *Encourage* all States to become party to the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management and for contracting parties to fulfil their obligations under the Joint Convention;

(31) *Encourage* all States to implement the principles of the Vienna Declaration on Nuclear Safety to prevent accidents with radiological consequences and mitigate such consequences should they occur;

(32) *Underline* the central role of IAEA in enhancing the global nuclear safety regime, and in sharing and encouraging the application of lessons learned from the accident at the Fukushima Daiichi nuclear power plant;

(33) *Emphasize* the importance of States continuing to take active steps to respond to the observations and lessons contained in the report by the Director General of IAEA on the Fukushima Daiichi accident to identify further scope for enhancing nuclear safety;

(34) *Encourage* all States to address regulatory effectiveness and transparency, operational safety, design safety and emergency preparedness and response by hosting IAEA review missions on a regular basis, and to share publicly the outcomes in order to further strengthen nuclear safety worldwide;

(35) *Emphasize* the need for States embarking on nuclear energy programmes to develop an adequate national technical, human and regulatory infrastructure to ensure safety and security for all fuel cycle activities in line with international conventions, standards, guidelines and recommendations, as appropriate, at a very early stage of the process;

(36) *Emphasize* also the importance for all States embarking on nuclear power programmes to plan in early stages for the secure, safe and safeguarded management of spent fuel and radioactive waste;

(37) *Highlight* the importance of environmental safety considerations in nuclear power programme design, construction, operation and decommissioning;

(38) *Emphasize* the importance for all States, in particular those with nuclear fuel cycle activities, to become party to all conventions and agreements relevant to safety and security and support the further development, as necessary, of legally binding instruments to ensure a better global safety and security framework;

(39) *Welcome* international cooperation efforts to enhance the safety of the transportation of nuclear and radioactive material, including through the use of best practice guidelines for systematic communications in relation to the safe maritime and other transport of radioactive material;

(40) *Welcome* efforts by IAEA to develop guidance on the management of radioactive sources throughout their life cycle, including for disused sources.

On nuclear security, that the Review Conference:

(41) *Underline* the importance of effective nuclear security, including physical protection of all nuclear and other radioactive materials, including those materials used for military purposes and related facilities, and the need for all States to maintain the highest standards of such nuclear security;

(42) *Recognize* the constantly evolving threat of nuclear and radiological terrorism and the concerns about acquisition of materials by non-State actors, and *highlight* the need to take measures to identify and address new and evolving challenges and threats to nuclear security;

(43) *Call* on States that possess nuclear weapons to undertake voluntary measures to increase transparency and confidence in the effectiveness of security for military nuclear materials;

(44) *Affirm* the central role of IAEA in strengthening the nuclear security framework globally and in coordinating international nuclear security activities;

(45) *Underline* that measures to strengthen nuclear security facilitate international cooperation in the field of peaceful nuclear activities and the promotion of peaceful uses of nuclear energy, as nuclear security is essential to

the responsible production, storage, transfer and use of nuclear and other radioactive material and the exchange of nuclear material for peaceful purposes;

(46) *Call* on States to ensure that IAEA has reliable and sufficient technical, financial and human resources to undertake its nuclear security-related activities;

(47) *Call* for the acceleration of efforts to develop and implement a fully effective and comprehensive global nuclear security framework based on prevention, detection and response;

(48) *Welcome the entry into force* of the 2005 Amendment to the Convention on the Physical Protection of Nuclear Material, *encourage* States that have not yet done so to become party to the amended Convention as soon as possible, and *encourage* all parties to the amended Convention to fully implement their obligations thereunder;

(49) *Urge* all States that have not yet done so to sign and ratify the International Convention for the Suppression of Acts of Nuclear Terrorism as soon as possible;

(50) *Encourage* States to subscribe to the Joint Statement on Strengthening Nuclear Security Implementation (INFCIRC/869), and to meet the essential elements of a nuclear security regime and to commit to the effective and sustainable implementation of the principles therein;

(51) *Call* on States to subscribe, where relevant, to joint commitments aimed at further strengthening aspects of nuclear security;

(52) *Highlight* the importance of maintaining effective transport security;

(53) *Encourage* States to use IAEA guidance to expand efforts to strengthen preventive and protective measures against insider threats at nuclear facilities, including through the use of nuclear material accountancy and control systems;

(54) *Encourage* States to host IAEA advisory services relevant to nuclear security on a periodic basis, and establish and implement with IAEA, as appropriate, Integrated Nuclear Security Support Plans in order to improve nuclear security at the national level and as a contribution to strengthening the global nuclear security framework. States are also *encouraged* to share experience gained in improving their nuclear security and to support International Physical Protection Advisory Service missions through providing experts and/or financial support, where feasible;

(55) *Note* with serious concern the illicit trafficking in nuclear and other radioactive material, equipment and technology;

(56) *Recognize* the increased need for all States to reinforce their efforts on improving existing cooperation mechanisms, including through membership in and information sharing through the IAEA Incident and Trafficking Database;

(57) *Encourage* States to further minimize highly enriched uranium stocks and to further minimize their use, including by converting radioisotope production to low-enriched uranium fuel and targets or by using other non-

highly enriched uranium technologies, taking into account the need for an assured and reliable supply of medical isotopes;

(58) *Encourage* States to keep their stockpiles of separated plutonium to the minimum consistent with their national requirements;

(59) Highlight the importance of nuclear forensics, and *encourage* States to develop and enhance nuclear forensics capabilities;

(60) *Welcome* the work of IAEA in raising awareness of the potential impact on nuclear security of cyberattacks, and the provision of guidance and assistance to IAEA member States in enhancing computer security and information security;

(61) *Welcome* contributions by the United Nations and the International Criminal Police Organization (INTERPOL) to strengthening global nuclear security;

(62) *Welcome* nuclear security-related initiatives, such as the Global Initiative to Combat Nuclear Terrorism, the Proliferation Security Initiative, the Global Partnership against the Spread of Weapons and Materials of Mass Destruction, the Nuclear Security Contact Group and the Nuclear Industry Steering Group for Security, and *encourage* active participation in these initiatives;

(63) *Welcome* the outcomes of the 2016 comprehensive review conducted by the Security Council Committee established pursuant to resolution 1540 (2004) (S/2016/1038), and further *welcome* efforts to universalize the implementation of Security Council resolution 1540 (2004).

On discouraging withdrawal from the Non-Proliferation Treaty, that the Review Conference:

(64) *Affirm* the unique role played by the Non-Proliferation Treaty in providing a framework that fosters international confidence and cooperation in the peaceful uses of nuclear energy;

(65) *Note* that withdrawal from the Treaty carries inherent risks to non-proliferation efforts and could constitute a threat to international peace and security;

(66) *Agree* that exercise of the right of withdrawal under article X of the Treaty be governed by the following principles:

(a) Withdrawal is a right for States parties governed by article X of the Treaty, which sets out that the right can only be exercised in the face of extraordinary events related to the subject matter of the Treaty, can only be exercised following notice to all other States parties and the Security Council three months in advance, and that such notice must include a statement of the extraordinary events the withdrawing State regards as having jeopardized its supreme interest;

(b) This right is governed by international law; the withdrawing State is still liable for violations of the Treaty perpetrated prior to withdrawal;

(c) Withdrawal should not affect any right, obligation or legal situation between the withdrawing State and each of the other States parties created

through implementation of the Treaty prior to withdrawal, including those related to IAEA safeguards;

(d) Every diplomatic effort should be made to persuade the withdrawing State to reconsider its decision, including by addressing its legitimate security needs and encouraging regional diplomatic initiatives;

(e) All nuclear materials, equipment and technology acquired by a State party under article IV prior to withdrawal must remain under IAEA safeguards or fallback safeguards even after withdrawal;

(f) Nuclear-supplying States should be encouraged to exercise their right — in accordance with international law and their national legislation — to incorporate dismantling and/or return clauses or fallback safeguards in the event of withdrawal into contracts or other arrangements concluded with the withdrawing State, and to adopt standard clauses for this purpose.

Background note 1: the Comprehensive Nuclear-Test-Ban Treaty

1. The Comprehensive Nuclear-Test-Ban Treaty was an integral part of the 1995 decision to indefinitely extend the Non-Proliferation Treaty and constitutes a core element of the nuclear disarmament and nuclear non-proliferation regime. Once in effect, it will provide the global community with a permanent, non-discriminatory, verifiable and legally binding commitment to end any nuclear weapon test explosion or any other nuclear explosions. It constrains the development of nuclear weapons and their qualitative improvement, which combats both horizontal and vertical nuclear proliferation. The provisions of article V of the Non-Proliferation Treaty should be interpreted in this light.

2. More than two decades have passed since the Comprehensive Nuclear-Test-Ban Treaty was opened for signature. Although the Treaty is yet to come into force, the nuclear test moratorium has become a de facto international norm, as was broadly recognized in the seventh Joint Ministerial Statement on the Comprehensive Nuclear-Test-Ban Treaty. However, without the lasting and legally binding effect of entry into force of the Treaty, such a norm remains fragile. There has been progress in ratification and there are continued efforts to that end: the Treaty has now been signed by 183 States, and of those 166 have ratified it, including 36 whose ratification is necessary for entry into force. Recalling the 2000 and 2010 Review Conferences, including the 2010 action plan on nuclear disarmament, the entry into force of the Comprehensive Nuclear-Test-Ban Treaty remains of the utmost urgency.

3. The twentieth anniversary Ministerial Meeting on the Comprehensive Nuclear-Test-Ban Treaty, held in Vienna in June 2016, and the eighth Ministerial Conference on the Comprehensive Nuclear-Test-Ban Treaty, held in New York in September 2016, reaffirmed the commitment of the international community to the Treaty and highlighted the importance of its earliest possible entry into force. The Security Council, in its resolution 2310 (2016), also recognized that early entry into force of the Treaty would constitute an effective nuclear disarmament and non-proliferation measure that would contribute to the achievement of a world without nuclear weapons. In its resolution, the Council urged all States that had either not signed or not ratified the Treaty, particularly the ninth remaining Annex 2 States, to do so without further delay. In addition, the final declaration of the ninth Article XIV Conference in New York in September 2015 set out the commitment of States signatories to take concrete and actionable steps towards the early entry into force and universalization of the Treaty.

4. Pending the Comprehensive Nuclear-Test-Ban Treaty's entry into force, States should refrain from any action that would defeat its object and purpose. Development of new types of nuclear weapons, for example, may result in the resumption of tests and a lowering of the nuclear threshold. The existing moratorium on nuclear weapon test explosions and any other nuclear explosions must be maintained, but cannot serve as a substitute for ratifying the Treaty.

5. Only the Democratic People's Republic of Korea has acted contrary to the moratorium in the twenty-first century, by conducting nuclear tests in 2006, 2009 and 2013, and twice in 2016. These tests, which undermine the international non-proliferation regime and the object and purpose of the Comprehensive Nuclear-Test-Ban Treaty, were internationally condemned. The events further underlined the

need for a universal and effective international monitoring and verification system for detecting nuclear explosions and highlight the importance of bringing the Treaty into force as soon as possible.

6. The Comprehensive Nuclear-Test-Ban Treaty Organization Preparatory Commission is making progress building the system to verify compliance with the Treaty at its entry into force. The goal of this work should be an effective, reliable, participatory and non-discriminatory verification system with global reach. All major components of the verification system, including the capability to conduct an on-site inspection, should be ready to meet the verification requirements of the Treaty by the time of its entry into force.

7. Extensive training courses and conferences contribute to enhanced awareness of the Comprehensive Nuclear-Test-Ban Treaty, help enable States signatories to fulfil their verification responsibilities and address possible technical, scientific and legal challenges. Since 2010, focused activities have been undertaken to build the capacity of experts from developing countries and to expand the roster of qualified inspectors and surrogate inspectors.

8. Data from the international monitoring and verification system should continue to be used for civil and scientific purposes, especially in the context of natural disasters and other emergency situations, including further cooperation with other international organizations in this regard.

Background note 2: compliance and verification

1. Full compliance with all the provisions of the Non-Proliferation Treaty, including with relevant safeguards agreements, remains fundamentally important to the integrity of the Treaty. IAEA safeguards are fundamental to the nuclear non-proliferation regime and help create an environment conducive to nuclear cooperation.

2. Article III (1) of the Treaty requires non-nuclear-weapon States parties to accept safeguards on all source and special fissionable material in all peaceful nuclear activities. A State's comprehensive safeguards agreement, based on IAEA document INFCIRC/153 (Corrected), requires the State to account for and control all nuclear material subject to safeguards and to provide the required design information and reports to IAEA. IAEA, as the competent authority designated under article III, verifies the correctness and completeness of a State's declarations in order to provide assurances of the non-diversion of nuclear material from declared activities and of the absence of undeclared nuclear material and activities.

3. Credible assurances regarding the absence of undeclared nuclear material and activities require that a comprehensive safeguards agreement be complemented by an additional protocol based on IAEA document INFCIRC/540 (Corrected). Implementation of an additional protocol provides increased confidence about a State's compliance with its Treaty obligations and is an integral part of the IAEA safeguards system, as it grants IAEA the tools needed to draw credible conclusions on the absence of undeclared nuclear materials and activities. The combination of a comprehensive safeguards agreement and an additional protocol represents the current verification standard pursuant to article III (1) of the Treaty. The comprehensive safeguards agreement and additional protocol together allow for the application of integrated safeguards, that is, the implementation of efficiency measures without compromising safeguards effectiveness in States where IAEA is confident there is an absence of undeclared nuclear materials and activities.

4. All States parties which have not yet done so should conclude and implement comprehensive safeguards agreements. A total of 146 States have signed an additional protocol, and such protocols are in force for 129 States. Those States that have not yet done so should bring into force additional protocols without further delay, and all States should submit all nuclear material and activities, both current and future, to IAEA safeguards.

5. The 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and the follow-up Review Conference in 2010 confirmed that IAEA safeguards should be assessed and evaluated regularly. Decisions adopted by IAEA policymaking organs aimed at further strengthening the effectiveness and improving the efficiency of IAEA safeguards should be supported and implemented.

6. The IAEA State-level concept represents a move towards a more effective and efficient safeguards system that adheres fully to the principles of non-discriminatory, technical, objectives-based safeguards implementation.

7. All States should cooperate fully with IAEA in implementing safeguards agreements and in expeditiously addressing anomalies, inconsistencies and

questions identified by the Agency in order to assist it in reaching its annual safeguards conclusions, which are of critical importance in assessing States' compliance with their Non-Proliferation Treaty obligations. IAEA should continue to make full use of all tools at its disposal to draw conclusions and resolve safeguards issues.

8. In order to draw well-founded safeguards conclusions, IAEA needs to receive early design information, in accordance with the 1992 decision of the IAEA Board of Governors (IAEA document GOV/2554/Attachment 2/Rev.2), including the need for all non-nuclear-weapon States parties to provide this information to the Agency on a timely basis.

9. States should undertake consultations with IAEA early in the design process for new nuclear facilities to ensure that aspects relevant to safeguards are taken into consideration in order to facilitate future safeguards implementation, from their initial planning stage through design, construction, operation and decommissioning.

10. Any State party which does not comply with its safeguards obligations under the Non-Proliferation Treaty isolates itself through its own actions from the benefits of constructive international relationships and from the benefits which accrue from adherence to the Treaty, including from cooperation in the peaceful uses of nuclear energy, until it enters into full compliance. The Group of Ten calls on those States that are currently non-compliant to move promptly to full compliance with their obligations, in particular:

- **The Democratic Republic of Korea**. The nuclear weapons programme of the Democratic Republic of Korea, including nuclear tests in 2006, 2009, 2013 and 2016, remains a serious challenge to the international nuclear non-proliferation regime. The Democratic Republic of Korea must comply with its Non-Proliferation Treaty obligations and allow for the return of IAEA inspectors and the reintroduction of IAEA safeguards.
- **The Syrian Arab Republic**. The finding by the IAEA Board of Governors in 2011, that the country's undeclared construction of a nuclear reactor at Dair Alzour and its failure to provide design information for this facility constitutes non-compliance with obligations under its safeguards agreement, remains a concern. The Syrian Arab Republic must remedy its non-compliance by cooperating fully with IAEA and providing full access to all sites and locations the Agency has requested.

11. In July 2015, the E3/EU+3 reached agreement with the Islamic Republic of Iran on the Joint Comprehensive Plan of Action. The full implementation of the Plan, in which the Islamic Republic of Iran reaffirmed that it will under no circumstances ever seek, develop or acquire any nuclear weapons, will contribute to building confidence in the exclusively peaceful nature of that country's nuclear programme. Verification is fundamental to the Plan, and IAEA is responsible for monitoring and verifying Iranian implementation of its nuclear commitments. IAEA will continue to need extrabudgetary contributions over the lifetime of the Plan in order to fulfil this role. While the provisional application by the Islamic Republic of Iran of the additional protocol to its safeguards agreement with IAEA is a welcome development, early ratification by the Islamic Republic of Iran of the additional protocol is essential.

Background note 3: export controls

1. Export controls aim to ensure that nuclear trade for peaceful purposes does not contribute to the proliferation of nuclear weapons or other nuclear explosive devices, an unsafeguarded nuclear fuel cycle activity or acts of nuclear terrorism, and that international trade and cooperation in the nuclear field, under article IV of the Non-Proliferation Treaty, is not hindered unduly in the process. Nuclear export controls are a legitimate, necessary and desirable means of implementing the obligations of States parties under article III of the Treaty.

2. The existence of extensive covert networks for the procurement and the supply of sensitive nuclear equipment and technology underline the need for all States to exercise vigilance in countering nuclear proliferation, including through the strict implementation of national nuclear export control policies. States should have in place adequate laws and regulations so that they can effectively implement export controls.

3. There is a clear relationship between the non-proliferation obligations as set out in articles I, II and III of the Non-Proliferation Treaty and the objectives with regard to peaceful uses as set out in article IV of the Treaty. Nothing in the Treaty should be interpreted as affecting the inalienable right of all States parties to the Treaty to undertake research, production and use of nuclear energy for peaceful purposes, without discrimination and in conformity with articles I, II and III of the Treaty. Recipient States have an obligation to exercise appropriately stringent controls to prevent nuclear proliferation.

4. The understandings of the Zangger Committee (INFCIRC/209, as amended) provide important guidance to States parties in meeting their obligation under article III (2) of the Non-Proliferation Treaty. They include a list of items triggering IAEA safeguards for exports to States not party to the Treaty.

5. The Nuclear Suppliers Group guidelines (INFCIRC/254, as amended) play an important and useful role in the development of national export control policies and contribute to the international non-proliferation regime.

6. The list of items triggering IAEA safeguards and the procedures for implementing control of these items, in accordance with article III (2) of the Non-Proliferation Treaty, should be reviewed from time to time so as to take into account advances in technology, proliferation sensitivity and changes in procurement practices.

7. Guidelines from export control regimes are finding increasing acceptance and application by national authorities and the number of States participating in these regimes continues to grow. All States parties should consider the opportunities offered by the increasing adherence to export control guidelines with a view to strengthening the global nuclear disarmament and non-proliferation regime.

8. In September 2008, a number of States parties participating in the Nuclear Suppliers Group granted an exception specific to India to the full-scope safeguards requirement in the Nuclear Suppliers Group's export control guidelines. This exemption was based on certain non-proliferation commitments and actions by India (INFCIRC/734 (Corrected)). Notwithstanding this decision, the principle that new supply arrangements for the transfer of source or special fissionable material, or

equipment or material especially designed or prepared for the processing, use or production of special fissionable material, to non-nuclear-weapon States should require, as a necessary precondition, the acceptance of full-scope IAEA safeguards and internationally legally binding commitments not to acquire nuclear weapons or other nuclear explosive devices, remains important.

9. All non-nuclear-weapon States parties to the Non-Proliferation Treaty have a legal obligation under article III of the Treaty to accept safeguards. As a comprehensive safeguards agreement, together with an additional protocol, represents the verification standard for Treaty safeguards, this verification standard should be acknowledged and applied as a condition for all new supply arrangements to non-nuclear-weapon States. The additional protocol further contains important provisions related to reporting to IAEA on the export and import of nuclear-related equipment.

10. Before supplying nuclear material, sensitive equipment or technology, States parties have the responsibility to seek assurance that the recipient State has in place an effective and adequate national regime of nuclear security. This regime comprises Non-Proliferation Treaty-related IAEA safeguards, an adequate system of physical protection, a minimum set of measures to combat illicit trafficking and rules and regulations for appropriate export controls in cases of retransfer.

Background note 4: cooperation in the peaceful uses of nuclear energy

1. For the purposes of article IV of the Non-Proliferation Treaty, "nuclear energy" embraces both power and non-power applications. All States parties to the Treaty have an inalienable right to undertake research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I, II and III of the Treaty. States parties may choose individually not to exercise all their rights, or to exercise those rights collectively.

2. All States parties to the Non-Proliferation Treaty have undertaken to facilitate, and have the right to participate in, the fullest possible exchange of equipment, material, services and scientific and technological information for the peaceful uses of nuclear energy in a safe and secure environment.

3. Nuclear applications play an essential role in areas such as human health, water management, agriculture, food safety and nutrition, energy and environmental protection. Nuclear applications can play an active role in realizing the Sustainable Development Goals.

4. IAEA plays an essential role, including through its Technical Cooperation Programme, in assisting States parties in the peaceful uses of nuclear energy through the development of programmes aimed at improving their scientific, technological, research and regulatory capabilities. The Agency's motto, "Atoms for Peace and Development", reflects its broad contribution. Nearly 140 countries take part in the Agency's Technical Cooperation Programme in pursuit of socioeconomic development. The Agency's Peaceful Uses Initiative is a flexible and efficient instrument which provides additional, extrabudgetary contributions to the Technical Cooperation Programme. We welcome the Agency's efforts to enhance the effectiveness and efficiency of these activities. Close cooperation among States parties, IAEA and international organizations, in particular those of the United Nations family, facilitates synergies and minimizes overlap. The Technical Cooperation Programme should also play an active role in realizing the goals of the 2030 Agenda for Sustainable Development.

5. The IAEA medium-term strategy provides important strategic guidance for the Technical Cooperation Programme. Based on the strategy, IAEA should identify priorities for each programme cycle. Continuing adherence to model project standards, expanded use of Country Programme Frameworks and full payment of assessed voluntary contributions should be prerequisites for the receipt of technical cooperation. IAEA should assign greater priority to the needs of developing countries, and in particular those of the least developed countries, when planning its future activities. In addition, the implementation of the Sustainable Development Goals should serve as a guide for defining priority activities.

6. Nuclear safety and nuclear security are enablers of peaceful uses of nuclear energy and essential for maintaining public support for peaceful uses. When developing nuclear energy, including nuclear power, it remains important to ensure that the use of nuclear energy is accompanied by commitments to and ongoing implementation of safeguards as well as the highest levels of safety and security, including at all stages of the nuclear fuel cycle. Legal instruments, standards and codes of conduct developed within the framework of IAEA to prevent and/or mitigate harmful effects of radiation on human safety and the environment are of

great importance in this regard. When developing nuclear energy, it remains important to ensure that the technical and appropriate regulatory infrastructure and a skilled workforce, as well as legislative frameworks and independent regulatory bodies, are in place.

Background note 5: nuclear safety

1. Safety in all activities throughout the nuclear fuel cycle is a prerequisite for the peaceful uses of nuclear energy. Protection of the people and the environment can be achieved by ensuring the highest levels of nuclear and radiation safety, security and safeguards, including management of their interfaces. This requires continuous efforts to prevent complacency and ensure all elements of safety culture are maintained at the optimal level. Primary responsibility for the safety of nuclear installations rests with the operators. Individual States are responsible for establishing frameworks for safety, including necessary national technical, human, and regulatory infrastructure, and ensuring that they are in place. This may require States to invest in education and training programmes and seek technical cooperation and assistance.

2. Although responsibility for the nuclear safety framework rests with individual States, international cooperation, especially that led by IAEA, is vital for the exchange of knowledge and learning from best practices and experience. The international community has strengthened its focus on nuclear safety since the Fukushima nuclear accident in 2011, including through: the Declaration of the IAEA Ministerial Conference on Nuclear Safety; the High-level Meeting on Nuclear Safety and Security (hosted by the Secretary-General); the Action Plan on Nuclear Safety endorsed by the General Conference of IAEA in 2011; the Vienna Declaration on Nuclear Safety adopted by consensus in February 2015; and, published in August 2015, the report of the IAEA Director General on the Fukushima Daiichi accident. The report by the Director General on the Fukushima Daiichi accident highlighted 45 observations and lessons aimed at strengthening nuclear safety worldwide. All States with nuclear facilities are encouraged to host IAEA peer review missions on a regular basis and publicly share the outcomes in order to further strengthen nuclear safety worldwide.

3. It is also important for States that have nuclear fuel cycle activities and radioactive material to become party to all relevant conventions and to make the political commitments necessary to ensure a better global safety framework, including:

- The Convention on Nuclear Safety, which is of central importance for States operating, constructing or planning nuclear power reactors;
- The Joint Convention on the Safety of Spent Fuel Management and the Safety of Radioactive Waste Management, which allows for the coordination of efforts to develop and implement disposal and long-term storage solutions for spent fuel and waste;
- The Convention on Early Notification of a Nuclear Accident, and the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, which sets out a framework for international cooperation and response, involving IAEA, should such an event occur;
- The observations and lessons of the report of the IAEA Director General on the Fukushima Daiichi accident, which should form the basis for continued efforts by the IAEA secretariat and member States. The Agency's Incident and Emergency Centre serves as its focal point for responding to nuclear or

radiological incidents and emergencies and for promoting improvement in emergency response and preparedness;

- The Code of Conduct on the Safety of Research Reactors, which establishes best practice guidelines for the licensing, construction and operation of research reactors;
- The Code of Conduct on the Safety and Security of Radioactive Sources and its associated Guidance, which provide international requirements for the regulatory control of radioactive sources;
- The various Conventions on civil liability for nuclear damage, which are important to ensure prompt compensation for damage;
- The Regulations for the Safe Transport of Radioactive Materials, which establish transport standards relating to the safety of persons, property and the environment.

4. International cooperation is important in order to enhance the safety of international transportation of radioactive materials while respecting maritime and air navigation rights and freedoms under international law. It is in the interests of all States that maritime and other transportation of nuclear and radioactive materials continue to be conducted in compliance with international standards of safety, security and environmental protection. The practice of some shipping States and operators of providing timely information and responses to relevant coastal States to address safety and security concerns, including in the event of an accident, through the use of agreed best practice guidelines for systematic communications, is a positive example of international cooperation in action.

5. The IAEA secretariat's implementation of the Plan of Activities on the Radiation Protection of the Environment remains important. There should be further cooperation between IAEA and relevant international organizations and stakeholders in promoting a coherent international policy regarding the radiological protection of the environment. The United Nations Scientific Committee on the Effects of Atomic Radiation (UNSCEAR) continues to provide a valuable contribution by assessing and reporting levels and effects of exposure to ionizing radiation. Many States rely on UNSCEAR estimates as the scientific basis for evaluating radiation risk and for establishing protective measures.

6. The IAEA International Expert Group on Nuclear Liability continues to undertake valuable work in examining the application and scope of the international nuclear liability regime and considering further specific actions to address any gaps in scope and coverage of the regime. The International Expert Group should continue to address outstanding issues as provided for in the Action Plan on Nuclear Safety and in the recommendations of the 2011 IAEA International Conference on the Safe and Secure Transport of Radioactive Materials.

Background note 6: nuclear security

1. Since the last Non-Proliferation Treaty Review Conference, States have continued to stress the vital importance of nuclear security and the responsibility of States to maintain, at all times, effective security of all nuclear and other radioactive materials, including nuclear materials used in nuclear weapons, and nuclear facilities under their control.

2. The strong international commitment to strengthening nuclear security worldwide has been demonstrated by a number of important events and initiatives, such as:

- The broad consensus behind the Ministerial Declarations at the International Conferences on Nuclear Security convened by IAEA in 2013 and 2016;
- The implementation of the work plan adopted by the 2010 Nuclear Security Summit, and communiqués, gift baskets and action plans agreed to at subsequent Summits in 2012, 2014 and 2016;
- A number of initiatives aimed at supporting nuclear security, including the Global Partnership against the Spread of Weapons and Materials of Mass Destruction, the Global Initiative to Combat Nuclear Terrorism, the Proliferation Security Initiative, and the Nuclear Security Contact Group and the Nuclear Industry Steering Group on Security, which were formed following the end of the Nuclear Security Summit process.

3. The central and essential role of IAEA in efforts to strengthen the global nuclear security framework, and in promoting and supporting its implementation and facilitating effective cooperation and coordination at the international and regional levels, is generally recognized and widely supported by a growing number of States. In implementing its Nuclear Security Plan for 2018-2021, IAEA can rely on their strong commitment to further improving nuclear security and strengthening the Agency's central role. There has also been a growing international recognition of the important role of nuclear industry in nuclear security.

4. In order to further strengthen nuclear security worldwide, the following concrete measures are of vital importance:

- In line with the *Nuclear Security Fundamentals* adopted by the IAEA Board of Governors, IAEA should continue to develop guidance through its Nuclear Security Series publications;
- Without altering the non-binding status of the IAEA Nuclear Security Series documents, States may commit themselves voluntarily and publicly to embed the IAEA recommendations into domestic rules and regulations by signing onto INFCIRC/869;
- States can also choose to commit to a number of recent initiatives that have been opened to the full IAEA membership through INFCIRCs, aimed at further strengthening aspects of nuclear security, including certified training for nuclear security management, supporting nuclear and radiological terrorism preparedness and response capabilities, developing national nuclear detection architectures, ensuring transport security of nuclear materials, mitigating insider threats, strengthening the security of high activity sealed

radioactive sources, using forensics in nuclear security and minimizing and eliminating the use of highly enriched uranium in civilian applications;

- States should take full advantage of IAEA advisory services, including the IAEA International Physical Protection Advisory Service and the International Nuclear Security Advisory Service, and through the establishment and implementation of Integrated Nuclear Security Support Plans;

- States that possess nuclear weapons are called on to undertake confidence-building measures which might include voluntary declarations, reporting in national progress reports or within the framework of Security Council resolution 1540 (2004), applying, where feasible and appropriate, best practices for civilian materials to military materials, or considering bilateral or internal peer reviews without jeopardizing sensitive information. Greater transparency on the part of States with military materials would demonstrate their commitment to strengthening their nuclear security and contribute to greater domestic and international confidence. Sharing information and lessons learned can lead to improved security. It also has a deterring effect, sending a strong message to terrorists that military materials are secured to the highest possible standards;

- States that have not yet done so should become party to the amended Convention on the Physical Protection of Nuclear Material. All States parties to the amended Convention should implement their obligations thereunder;

- States concerned should further minimize highly enriched uranium stocks and further minimize their use, including by converting radioisotope production to low-enriched uranium fuel and targets or by using other non-highly enriched uranium technologies, taking into account the need for an assured and reliable supply of medical isotopes;

- States concerned should keep their stockpiles of separated plutonium to the minimum consistent with their national requirements;

- States should reinforce their efforts to locate and secure nuclear and other radioactive material out of regulatory control and to improve existing control and cooperation mechanisms with a view to curbing illicit trafficking in nuclear and other radioactive materials. They should consider supporting the work of IAEA regarding the prevention, detection and response to illicit trafficking;

- States should develop and enhance nuclear forensics capabilities and utilize, as appropriate, the support by IAEA, the Global Initiative to Combat Nuclear Terrorism and the Nuclear Forensics International Technical Working Group in areas such as connecting and enhancing traditional and nuclear forensics capabilities and providing education and training assistance to States in this area;

- The work of IAEA in raising awareness of the potential impact on nuclear security of cyberattacks, and the provision of guidance and assistance to its member States in this regard, should continue in view of the growing threat of such attacks;

- Fostering a culture of nuclear security through nuclear security education, training and proper certification of nuclear security managers should be a priority for States and the nuclear industry. In this regard, cooperation with IAEA in the establishment of centres of excellence and other nuclear security training and support centres, as well as international nuclear security education networks, is essential;
- States are encouraged to consider participating in the Global Initiative to Combat Nuclear Terrorism.

Background note 7: discouraging withdrawal from the Non-Proliferation Treaty

1. Article X of the Non-Proliferation Treaty confers on States parties the right of withdrawal from the Treaty. It sets out the reasons for which the right of withdrawal can be exercised, and the process for exercising it. But this right cannot be considered in isolation. It should be considered in the context of the integrity of the Treaty and the broader framework of international law, including the principle of customary international law that says that a State continues to be responsible for violations of legal obligations committed prior to its withdrawal from a treaty. Abuse of article X would undermine the integrity of the Treaty and the objective of its universality.

2. Withdrawal from the Non-Proliferation Treaty carries inherent risks to non-proliferation and could constitute a threat to international peace and security. Withdrawal from the Treaty is, of course, much broader than discussions in Vienna. Withdrawal is a significant political event and should be given urgent political attention by States parties. States parties held useful discussions on the issue of withdrawal at the 2015 Review Conference, which should be taken forward by the 2017 Preparatory Committee, including by developing and agreeing on principles for exercising the right of withdrawal.

3. All nuclear materials, equipment, technology and facilities acquired and developed for peaceful purposes by a State during the time it was a party to the Non-Proliferation Treaty should, in the case of withdrawal, be restricted to peaceful uses only. As a consequence, they should remain subject to IAEA or fallback safeguards.

NPT/CONF.2020/PC.I/WP.3

Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

17 March 2017

Original: English

First session
Vienna, 2-12 May 2017

Comprehensive Nuclear-Test-Ban Treaty

Working paper submitted by the members of the Non-Proliferation and Disarmament Initiative (Australia, Canada, Chile, Germany, Japan, Mexico, the Netherlands, Nigeria, the Philippines, Poland, Turkey and the United Arab Emirates)

1. We, the members of the Non-Proliferation and Disarmament Initiative, a diverse cross-regional grouping of non-nuclear-weapon States, reaffirm our strong commitment to strengthening the nuclear test ban regime, including the entry into force of the Comprehensive Nuclear-Test-Ban Treaty at the earliest possible date, as well as to advancing global nuclear non-proliferation and disarmament. We express our strong concern that the Treaty still has not entered into force after 20 years.

2. The 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons emphasized in its action plan the urgency of the entry into force of the Comprehensive Nuclear-Test-Ban Treaty (see NPT/CONF.2010/50 (Vol. I), actions 10-14). That principle was stressed also at the 2000 Review Conference (see NPT/CONF.2000/28 (Parts I and II)), the Final Declaration of the 2015 Conference on Facilitating the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty, the 2016 Joint Ministerial Statement of the Friends of the Comprehensive Nuclear-Test-Ban Treaty and General Assembly resolution 71/86.

Importance of the Comprehensive Nuclear-Test-Ban Treaty and its verification regime

3. The Comprehensive Nuclear-Test-Ban Treaty is intrinsically linked to the goals and objectives of the Non-Proliferation Treaty and in this regard is an invaluable component of the nuclear disarmament and non-proliferation regime. Conclusion of negotiations on the Comprehensive Nuclear-Test-Ban Treaty was an integral part of the indefinite extension of the Non-Proliferation Treaty in 1995. The early entry into force of the Comprehensive Nuclear-Test-Ban Treaty was identified as the first of 13 practical steps for the systematic and progressive efforts to implement article VI of the Non-Proliferation Treaty and paragraphs 3 and 4 (c) of the 1995 decision entitled "Principles and objectives for nuclear non-proliferation and disarmament", agreed by the Review Conference in 2000. Additionally, the

17-04352 (E) 310317

Please recycle

basic obligations under article I of the Comprehensive Nuclear-Test-Ban Treaty represent the contemporary standard by which the provisions of article V of the Non-Proliferation Treaty, on the peaceful applications of any nuclear explosions, will now be interpreted.

4. The Non-Proliferation and Disarmament Initiative sees nuclear disarmament and non-proliferation as mutually reinforcing processes. The Comprehensive Nuclear-Test-Ban Treaty advances both. A permanent and legally binding commitment to end nuclear weapons testing and all other nuclear explosions is in the overwhelming interests of all countries. The obligations under the Treaty contribute to the limitation of the vertical and horizontal proliferation of nuclear weapons. The Treaty helps to constrain those States intent on developing a nuclear capability and inhibit the development of more advanced forms of nuclear weapons by the nuclear weapon States and other States possessing nuclear weapons. As such, we regard the Treaty to be a core element of the international nuclear disarmament and non-proliferation regime and its entry into force as a major contribution to international peace and security.

5. The widespread condemnation that has followed nuclear tests since the negotiation of the Treaty, demonstrated most recently by the response to the test conducted by the Democratic People's Republic of Korea on 9 September 2016, is testament to the normative strength of the Treaty's provisions. Together with the existing global de facto moratorium on nuclear test explosions, the Treaty has proved to be beneficial to nuclear disarmament and non-proliferation by stigmatizing nuclear test explosions. However, this is not a substitute for a permanent and legally binding commitment to end nuclear weapon testing and all other nuclear explosions, which can be achieved only by the entry into force of the Treaty. Entry into force of the Treaty is also a prerequisite for the powerful tool of the on-site inspections as the final verification measure to verify compliance by States with the Treaty. The Comprehensive Nuclear-Test-Ban Treaty was intended to be a key cornerstone treaty 20 years ago to support the Non-Proliferation Treaty, as it would ban nuclear testing once and for all after entering into force. Encouraging all States to sign and ratify the Comprehensive Nuclear-Test-Ban Treaty would also serve as a confidence-building measure within the context of the broader nuclear non-proliferation agenda. The ultimate goal is to achieve universalization of the Treaty. We therefore reiterate the urgent call to the eight remaining Annex 2 States and all other States to sign and ratify the Treaty without further delay, and to all countries to add to the pressure, as this would strengthen the norm of universality for the Treaty.

6. Continuing with the development of the Treaty's verification regime is vital to the effectiveness of the Treaty. For the past 20 years, the Treaty and its world-class verification system have underpinned the global norm against nuclear testing. This includes the International Monitoring System, the International Data Centre and the preparedness of the Comprehensive Nuclear-Test-Ban Treaty Organization to conduct on-site inspections, as well as the development of verification-related technical capacity in States. The International Monitoring System, which is at the core of the verification regime, is capable of accurately detecting and identifying explosions larger than 1 kiloton worldwide, in the atmosphere, underwater or underground, and has already proved its effectiveness by detecting nuclear tests by the Democratic People's Republic of Korea. The success of the Comprehensive Nuclear-Test-Ban Treaty Organization system in detecting that country's nuclear tests highlighted the capabilities and effectiveness of the verification regime and proved its value to global nuclear disarmament and non-proliferation, and underlined the significance of the Treaty. Additionally, data from the International Monitoring System have important civil and scientific benefits, especially in the

context of natural disasters and other emergency situations, such as tsunami alerts and possibly other disaster alerts, and also in providing unique sets of data for scientific study. We encourage States that have not yet done so to complete the International Monitoring System stations in their territories and send data to the International Data Centre as soon as possible and, furthermore, encourage States that have not yet joined the Comprehensive Nuclear-Test-Ban Treaty to support the International Monitoring System and the International Data Centre. We also recognize the importance of capacity-building and the sharing of relevant expertise on the verification regime.

7. The International Monitoring System, consisting of 321 monitoring stations and 16 laboratories built in 89 countries worldwide, is currently 85 per cent complete.

8. Confidence in the ability of the verification regime to meet the requirements of the Treaty is fundamental to the success of the Treaty, as it gives States the assurance of adherence to the test ban. In this regard, further international cooperation in the development of the regime should be encouraged.

Status of the Comprehensive Nuclear-Test-Ban Treaty

9. We welcome the recent ratifications by Angola, Myanmar and Swaziland. The Comprehensive Nuclear-Test-Ban Treaty has now been signed by 183 States, of which 166 States have ratified the Treaty.

10. Ratification by the eight remaining Annex 2 States — China, the Democratic People's Republic of Korea, Egypt, India, Iran (Islamic Republic of), Israel, Pakistan and the United States of America — is of paramount importance and is required for the Treaty to enter into force. There is also a small number of non-Annex 2 States that have yet to ratify the Treaty.

11. The Non-Proliferation and Disarmament Initiative fully supports the Article XIV process and the biennial ministerial meetings of the Friends of the Comprehensive Nuclear-Test-Ban Treaty aimed at facilitating the early entry into force of the Treaty, and is committed to the declarations issued at Article XIV Conferences and the joint ministerial statements on the Treaty.

Promotion of the entry into force of the Comprehensive Nuclear-Test-Ban Treaty

The review cycle of 2020 should:

12. Urge all States that have yet to ratify the Treaty to do so without delay, in particular the remaining eight Annex 2 States. Annex 2 States should ratify the Treaty without waiting for other States to do so first and thus contribute to building mutual trust. In order to support defusing regional tensions, regionally coordinated ratifications could also be considered. In this regard, we would welcome opportunities to engage with the non-signatory States, in particular Annex 2 States. We would therefore like to encourage these States to participate in future sessions of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization as observers. Entry into force of the Treaty is an achievable, essential step towards global disarmament that can and should take place without delay.

13. Reiterate that nuclear-weapon States have a particular responsibility, as agreed in action 10 of the action plan, to encourage ratification of the Treaty and call upon them to take the initiative in this regard. Ratification by nuclear-weapon States that have not yet done so would provide further impetus towards the entry into force of the Treaty.

14. Further to action 11, call on all States to acknowledge and continue the global de facto moratorium on nuclear weapon test explosions and any other nuclear explosions and refrain from any action that would undermine the Treaty's object and purpose.

15. In accordance with action 14, encourage all States parties to the Non-Proliferation Treaty to assist the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization in its work in anticipation of and preparation for the entry into force of the Comprehensive Nuclear-Test-Ban Treaty. This includes the early completion and provisional operation of the International Monitoring System and the International Data Centre, which serve as effective, reliable, participatory and non-discriminatory elements of the verification system globally and help to provide assurance of compliance with the Treaty. They also promote capacity-building and the sharing of relevant expertise on the verification regime, as well as raise awareness of the important role that the Treaty plays.

NPT/CONF.2020/PC.I/WP.4

Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

20 March 2017

Original: English

First session
Vienna, 2-12 May 2017

Security assurances against the use or threat of use of nuclear weapons

Working paper submitted by the Islamic Republic of Iran

1. The existence of thousands of nuclear weapons continues to pose a serious security threat to the very survival of humankind. As long as nuclear weapons exist, the risk of their possible use or threat of use persists. Therefore, the total elimination of nuclear weapons is the only absolute guarantee against their use or threat of use.

2. Nevertheless, pending the realization of the total elimination of nuclear weapons, and as an interim measure only, there should be assurances that such weapons would never be used. This would serve the security interest of all nations, promote the objective of nuclear disarmament and non-proliferation and enhance international peace and security. It is the legitimate right of all non-nuclear-weapon States party to the Treaty on the Non-Proliferation of Nuclear Weapons to receive effective, universal, unconditional, non-discriminatory and irrevocable legally binding security assurances against the use or threat of use of nuclear weapons under all circumstances.

3. Since 1946, there have been repeated calls by the overwhelming majority of the non-nuclear-weapon States, in numerous resolutions of the General Assembly, for the realization of the effective, universal, unconditional, non-discriminatory and irrevocable legally binding security assurances against the use or threat of use of nuclear weapons. Such calls have also been made in almost all Final Documents of the Review Conferences of the Treaty.

4. While some provocative and destabilizing policies and measures, such as the improvement of existing nuclear weapons as well as the development of new types of such weapons, in particular tactical nuclear weapons — which, by reducing the threshold for their use, gives rise to fears of the use of these inhumane weapons — the abrogation of the Anti-Ballistic Missile Treaty and the acts of some nuclear-weapon States in nuclear-weapon sharing and deploying hundreds of nuclear weapons and global missile defence systems in other countries, continue to

17-04363 (E) 030417

Please recycle

negatively impact the security of the non-nuclear-weapon States parties to the Non-Proliferation Treaty, regrettably, no substantial achievement has yet been reached on granting security assurances to such States.

5. At the same time, relevant unilateral statements by nuclear-weapon States are very limited, conditional and insufficient and above all can justify the use of such weapons by resorting to such vague and undefined concepts as "defending the vital interests" of a nuclear-weapon State or its "allies and partners".

6. Under the nuclear strategies, concepts and policies of certain nuclear-weapon States and a certain nuclear alliance, the use of nuclear weapons against the non-nuclear-weapon States in specific circumstances is authorized. For instance, according to the Nuclear Posture Review of a nuclear-weapon State, the possibility to "use or threaten to use nuclear weapons against non-nuclear-weapons States that are party to the Non-Proliferation Treaty" has been envisaged.

7. While it is argued by nuclear-weapon States that the negative security assurances should be granted only in the context of the nuclear-weapon-free zones — which, of course, is rejected by the Islamic Republic of Iran and many other countries — firstly, the respective protocols of some treaties establishing such zones have not been signed or ratified by one or more nuclear-weapon States; secondly, the protocols additional to a certain such treaty have been signed and ratified by nuclear-weapon States, but with reservations and interpretative declarations contrary to the object and purpose of such instruments, and therefore, in practice, to date, none of the existing nuclear-weapon-free zones have received "unconditional and irrevocable legally binding assurances"; and thirdly, the prospects for the establishment of a nuclear-weapon-free zone in some regions such as the Middle East is quite unclear due to the persistent refusal of the Israeli regime to accede to the Non-Proliferation Treaty without any further delay and condition as a non-nuclear-weapon party.

8. As it has been confirmed in various resolutions of the General Assembly and also stressed, in recent years, in the deliberations of the Conferences on the Humanitarian Impacts of Nuclear Weapons, any nuclear weapon detonation will lead to immediate, indiscriminate and massive death and destruction and long-term catastrophic consequences on human health, the environment and other vital economic resources, thus endangering the life of present and future generations.

9. As the International Court of Justice, in its advisory opinion of 8 July 1996 on the legality of the threat or use of nuclear weapons, decided, "there is in neither customary nor conventional international law any specific authorization of the threat or use of nuclear weapons", and "the threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law". Therefore, as any use or threat of use of nuclear weapons would be contrary to Article 2 (4) of the Charter of the United Nations, general principles of international law and rules and regulations of international humanitarian law and would constitute a crime against humanity, there should be an assurance against the use or threat of use of these illegal, inhumane and illegitimate weapons.

10. Taking into account the aforesaid facts and observations, in the view of the Islamic Republic of Iran, the full realization of the right of all non-nuclear-weapon

States parties to the Treaty to receive such assurances is of crucial importance and needs to be addressed by the Review Conference as a matter of priority and through the establishment of a subsidiary body on security assurances.

11. To that end, the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons is recommended to adopt a separate "decision on negative security assurances", containing the following elements:

Extremely concerned by immediate, indiscriminate and massive death and destruction caused by any use of nuclear weapons and its long-term catastrophic consequences on human health, the environment and other vital economic resources, thus endangering the life of present and future generations;

Underscoring that any use or threat of use of nuclear weapons would seriously undermine the very foundations, integrity, credibility and thus sustainability of the Treaty and would be contrary to its object and purpose;

Affirms that any use or threat of use of nuclear weapons would be contrary to Article 2 (4) of the Charter of the United Nations, general principles of international law and rules and regulations of international humanitarian law and would constitute a crime against humanity, and resorting to Article 51 of the Charter to do so is also not justified;

Confirms that all the nuclear-weapon States unequivocally undertake to refrain, under any and all circumstances and without discrimination or exception of any kind, from the use or threat of use of nuclear weapons against any non-nuclear-weapon State party to the Treaty;

Reaffirms, pending the total elimination of nuclear weapons as the only absolute guarantee against their use or threat of use, the need for an interim measure to realize the right and legitimate interest of all non-nuclear-weapon States parties to the Treaty to receive such negative security assurances;

Confirms, in this regard, that all the nuclear-weapon States solemnly undertake, in line with their obligations and commitments under the Treaty and Final Documents of its Review Conferences, to pursue, in good faith, negotiations on providing universal, legally binding, effective, unconditional, non-discriminatory and irrevocable security assurances to all non-nuclear-weapon States parties to the Treaty against the use or threat of use of nuclear weapons under all circumstances, within the Conference on Disarmament, and bring them to a conclusion no later than 2023.

NPT/CONF.2020/PC.I/WP.5

Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

20 March 2017

Original: English

First session
Vienna, 2-12 May 2017

The inalienable right to develop research, production and use of nuclear energy for peaceful purposes

Working paper submitted by the Islamic Republic of Iran

1. To use science and technology for peaceful purposes, in particular nuclear science and technology, is an inalienable right of any State, inherent to its sovereignty. Given the continuous increase in the weight of nuclear energy as a clean, viable and environment- and climate-friendly source in the energy mix of countries, its broad and ever-growing applications and its prominent place in the sustainable socioeconomic development of societies, ensuring the full realization of this inherent right in all its aspects, in particular for developing States, is of utmost importance.

2. The Treaty on the Non-Proliferation of Nuclear Weapons, in its article IV, ensures that nothing shall affect "the inalienable right of all the parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination". It also provides for an undertaking by all the parties to the Treaty "to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy".

3. Article III of the Treaty, while providing that each non-nuclear-weapon State party to the Treaty conclude a safeguards agreement with the International Atomic Energy Agency (IAEA), is equally explicit in articulating that the implementation of such safeguards shall be "in a manner designed to comply with article IV of [the] Treaty, and to avoid hampering the economic or technological development of the parties or international cooperation in the field of peaceful nuclear activities, including the international exchange of nuclear material and equipment for the processing, use or production of nuclear material for peaceful purposes in accordance with the provisions of [the] article and the principle of safeguarding set forth in the preamble of the Treaty."

4. This notion was duly noted in the Review Conferences of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, particularly in the Final

17-04368 (E) 030417

Please recycle

Document of the 2000 Review Conference (NPT/CONF.2000/28 (Parts I and II)), when considering that the strengthening of the IAEA safeguards should not adversely affect the resources available for technical assistance and cooperation. It was further maintained that, in allocating resources, the Agency's statutory functions, including that of encouraging and assisting the development and practical application of atomic energy for peaceful uses with adequate technology transfer, should be taken into account.

5. Given the importance of the peaceful applications of nuclear energy and nuclear technology for electricity generation, human health, medicine, industry, agriculture, environmental protection and sustainable development, especially in developing countries, the IAEA statute recognizes the Agency's role in encouraging and assisting "research on, and development and practical application of, atomic energy for peaceful uses throughout the world" and fostering "the exchange of scientific and technical information on peaceful uses of atomic energy" (article III (A)).

6. However, the fundamental role of IAEA in promoting nuclear energy for peaceful purposes has been increasingly undermined by insufficient resources and restrictions imposed by some States on the Agency. Since the establishment of IAEA, developing countries have continually expressed serious concerns about the policy for funding technical cooperation based on voluntary contributions, as they are unpredictable, unsecured and subject to the political motivations of the donors. Safeguards activities are, however, funded from the regular budget. Such a discriminatory policy with respect to two pillars of the IAEA statute and the Treaty must be abandoned. To redress this situation, in actions 53 and 54 of the conclusions and recommendations for follow-on actions of the 2010 Review Conference, the States parties were called upon to strengthen the IAEA technical cooperation programme in assisting developing States parties and by taking practical steps to ensure that IAEA resources in this area are sufficient, assured and predictable (see NPT/CONF.2010/50 (Vol. I)).

7. Moreover, measures taken by States parties to prevent the proliferation of nuclear weapons should facilitate the exercise of the inherent rights of developing States parties to the Treaty to peaceful uses of nuclear energy, instead of hampering their efforts. Nevertheless, it is a source of deep concern that certain States impose such restrictions as a cover to advance their foreign policy objectives. Such acts are in clear violation of the obligations under article IV of the Treaty and challenge its integrity and credibility, and they must therefore be avoided.

8. Consistent with action 51 of the conclusions and recommendations for follow-on actions of the 2010 Review Conference, restrictions on the transfer of nuclear materials, equipment and technology for the peaceful uses of nuclear energy should be swiftly removed. Bilateral and multilateral cooperation among States parties to the Treaty under IAEA supervision on the peaceful uses of nuclear energy should never be restricted or confined, whether by other States or by ad hoc export control regimes. The application of unilaterally enforced export control regimes, in contravention of the letter and spirit of the Treaty, has hampered access by developing countries to nuclear materials, equipment and technology for peaceful purposes. It is essential to note that, in the IAEA statute and in the Treaty, as well as in the comprehensive safeguards agreements and even in the most intrusive but

voluntary instrument, the additional protocol to the comprehensive safeguards agreements, there is no provision to prohibit or restrict enrichment and reprocessing activities. It should also be underlined that the function of the Agency is merely to verify the fulfilment of safeguards obligations of States parties under the Treaty.

9. In the same vein, decisions such as that of the Nuclear Suppliers Group to allow nuclear cooperation between its members and a non-party to the Treaty constitute a clear breach of the obligations under article III (2) of the Treaty for States parties to undertake not to provide equipment or material for peaceful purposes "unless the source or special fissionable material shall be subject to the safeguards required" under the Treaty. Given the fact that the implementation of such a decision would indirectly help the non-party State concerned to develop more nuclear weapons, it is also a clear violation of the obligations under article I of the Treaty.

10. In addition, such decisions run counter to the principles outlined in paragraph 12 of decision 2 of the 1995 Review and Extension Conference (see NPT/CONF.1995/32 (Part. I), annex) and reaffirmed in paragraph 36 of the Final Document of the 2000 Review Conference, according to which acceptance of the Agency's full-scope safeguards and internationally legally binding commitments not to acquire nuclear weapons or other nuclear explosive devices is a necessary precondition for the transfer of nuclear material or equipment. The above-mentioned decision adversely affects the prospects for achieving the universality of the Treaty by sending the wrong message that non-parties to the Treaty enjoy more privileges than non-nuclear-weapon State parties to the Treaty. Moreover, the decision is another manifestation of double standards and discrimination in implementing the provisions of the Treaty, something that needs to be addressed by the 2020 Review Conference.

11. Measures need to be taken to ensure that the inalienable rights of all States parties to develop research, production and use of nuclear energy for peaceful purposes without discrimination are fully protected. No State party should be limited in exercising its rights under the Treaty based on allegations of non-compliance. The inalienable rights of the States parties cover all aspects of peaceful technology and are not limited to specific areas. In this regard, it was reiterated in the Final Documents of the 2000 and 2010 Review Conferences that each country's choices and decisions in the field of the peaceful uses of nuclear energy should be respected without jeopardizing its policies or international cooperation agreements and arrangements for the peaceful uses of nuclear energy and its fuel-cycle policies.

12. In order to strengthen the effectiveness and credibility of the Treaty and put an end to the discriminatory implementation of article IV, the 2020 Review Conference should adopt concrete recommendations that ensure full respect for the inalienable rights of all States parties, particularly developing countries, under that article, including the right to have full access to nuclear materials, technology, equipment and scientific and technological information for peaceful purposes. As stipulated in the Treaty, none of its provisions shall be interpreted as affecting the inalienable rights of States parties under article IV. For its part, the Islamic Republic of Iran is determined to pursue all areas of nuclear technology, including the development of a full national nuclear fuel cycle for peaceful purposes.

13. In this context, the full realization of the right of developing States parties to participate in the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy should be ensured. To that end, among other things, the developed States parties to the Treaty should fully comply with their explicit legal obligation under article IV to facilitate participation of the developing States parties in the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy. In addition, as stipulated in article IV, they shall also cooperate in contributing alone, or together with other States or international organizations, to the further development of applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear-weapon States parties to the Treaty, with due consideration for the needs of the developing areas of the world.

14. Likewise, as stipulated in the Treaty, the safeguards required under article III shall be implemented in a manner designed to comply with article IV of the Treaty and to avoid hampering the economic or technological development of the parties or international cooperation in the field of peaceful nuclear activities, including the international exchange of nuclear materials and equipment for the processing, use or production of nuclear materials for peaceful purposes. It should be reiterated in this context that a diverse portfolio of energy sources is needed to allow access to sustainable energy and electricity resources in all regions of the world and that States parties may pursue different ways to achieve their energy security and climate-protection goals, in line with their national requirements and in exercising their sovereign rights to define their national energy and fuel-cycle policies.

15. As also reaffirmed by the Non-Aligned Movement, the right of States to define their national energy and fuel-cycle policies "includes an inalienable right to develop, for peaceful purposes, a full national nuclear fuel cycle" (NPT/CONF.2015/WP.5, para. 9). Therefore, any proposal to limit or restrict the inalienable right of States parties to develop a full national nuclear fuel cycle would clearly be in contradiction with article IV of the Treaty. The 2020 Review Conference is expected to address this issue and decide that any explicit or implicit proposal, decision or act, by any State or organization, that is intended to hamper, directly or indirectly, the nuclear policies of States parties to develop a full national nuclear fuel cycle for peaceful purposes is in clear violation of article IV and shall therefore be avoided.

16. It should also be underlined in this regard that, while the primary responsibility for nuclear safety and security rests with individual States, any measure and initiative aimed at strengthening nuclear safety and security must not be used as a pretext or leverage to violate, deny or restrict, directly or indirectly, any element of the inalienable right of States parties to the peaceful uses of nuclear energy. Nuclear security is a global concern and, accordingly, any multilateral initiative, guideline or rule in nuclear security should be pursued within the IAEA framework through a gradual, inclusive and transparent process that incorporates the views of all IAEA member States. Iran, in particular, stresses the importance of promoting non-discriminatory cooperation in the field of nuclear safety as a necessary element for exercising the inherent right to use nuclear energy for peaceful purposes.

17. While there exists a mechanism for verifying the fulfilment of safeguards obligations of States parties under the Treaty, with a view to preventing the diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices, there is no mechanism to verify and ensure that safeguards, as stipulated in the Treaty, are implemented in a manner that avoids "hampering the economic or technological development of the parties or international cooperation in the field of peaceful nuclear activities, including the international exchange of nuclear material and equipment for the processing, use or production of nuclear that material for peaceful purposes". Taking into account that fact, the tendency of certain States to impose restrictions on the exercise of the inherent rights of developing States parties under article IV and the refusal of the developed States parties to fulfil their obligations under that article, which in practice results in violating the rights of developing States parties under article IV and, thus, in hampering their economic or technological development, the 2020 Review Conference is urged to examine this issue and take specific decisions to ensure the full and non-discriminatory implementation of the Treaty with regard to the peaceful uses of nuclear energy.

towards the early commencement of negotiations on a fissile material cut-off treaty by establishing a high-level expert preparatory group in Geneva. It will build on the work carried out by the Group of Governmental Experts to make recommendations on possible aspects that could contribute to but not negotiate a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices and its outcome document (see A/70/81).

4. In its report, the Group of Governmental Experts clearly demonstrated that, although important differences in perspective remain, the various perspectives of States on a treaty should not be a substantive obstacle to preventing the start of negotiations and could be overcome if there is the political will to do so.

5. We are gravely concerned, however, about the continued stalemate in the Conference on Disarmament and the dim prospects for fissile material cut-off treaty negotiations in that forum, despite it being the will of the overwhelming majority of Member States.

6. Under such circumstances, it is important that we seize every opportunity to achieve real progress towards fissile material cut-off treaty negotiations. Consequently, the Initiative attaches fundamental importance to supporting and promoting the work of the high-level expert preparatory group, which will be established in Geneva, and to the informal consultative meetings in New York, with a view to advancing the actual commencement of negotiations on a treaty banning the production of fissile material for use in nuclear weapons or other explosive devices.

Reasons to negotiate a fissile material cut-off treaty

7. There are compelling reasons to negotiate a fissile material cut-off treaty. The benefits are potentially vast, since such a treaty would:

(a) Offer a unique opportunity to establish a non-discriminatory treaty regime by creating equal obligations for nuclear-weapon possessor States and non-nuclear-weapon States alike;

(b) Help to cap the quantitative nuclear arms race and instil new momentum into the process of nuclear disarmament, thereby furthering the implementation of key provisions of the Non-Proliferation Treaty;

(c) Contribute to the implementation of article VI of the Non-Proliferation Treaty;

(d) Reinforce the non-proliferation obligations and norms in the Non-Proliferation Treaty;

(e) Enhance nuclear material security, namely, security, control and accounting regarding fissile material, including reducing the risk of the potential acquisition of fissile material by non-State actors;

(f) Establish transparency with regard to nuclear facilities where transparency does not yet exist, by providing an opportunity for nuclear-weapon possessor States to demonstrate, and be accountable for, the security of their nuclear weapons facilities in a responsible manner;

(g) Help to establish baselines for further nuclear disarmament and form a potential building block for the verification thereof;

(h) Create the conditions for drawing additional States into the multilateral non-proliferation regime;

(i) Contribute, if universalized, to regional security and stability, particularly in South Asia, in the Middle East and on the Korean Peninsula.

High-level expert preparatory group

8. The Initiative highly welcomes the fact that the General Assembly, in its resolution 71/259, requested the Secretary-General to establish a high-level expert preparatory group to make recommendations on substantial elements of a future fissile material cut-off treaty, including by revisiting the report of the Group of Governmental Experts contained in document A/70/81. In our view, the newly established high-level fissile material cut-off treaty expert preparatory group should strive for an outcome that clearly advances the work already carried out by the Group of Governmental Experts.

9. The Initiative also welcomes links between the work of the high-level expert preparatory group and the Conference on Disarmament, so as to facilitate the transfer of work back to that forum should it agree upon and implement a balanced and comprehensive programme of work that includes the negotiation of a fissile material cut-off treaty. Ultimately, it is our expectation that the Conference on Disarmament will be in a position to integrate the recommendations of the high-level expert preparatory group into its work, since all members of the Conference on Disarmament have previously agreed on a mandate to negotiate such a treaty. The continuing importance and relevance of the Conference on Disarmament, as well as the past achievements of that body in successfully negotiating arms control and disarmament agreements, should therefore be kept in mind throughout the process.

10. Pending the entry into force of a fissile material cut-off treaty, we urge all nuclear-weapon States and the States not party to the Non-Proliferation Treaty to maintain or declare moratoriums on the production of fissile material for nuclear weapons or other nuclear devices. As negotiations on a fissile material cut-off treaty have yet to start after so many years, there is a need to create, on an urgent basis, a de facto fissile material cut-off treaty world, which would then facilitate negotiations on, and the conclusion of, a fissile material cut-off treaty. The effectiveness and significance of moratoriums in accelerating actual treaty negotiations have already been proved by the Comprehensive Nuclear-Test-Ban Treaty negotiations and the preceding moratoriums on nuclear testing.

NPT/CONF.2020/PC.I/WP.7

Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

20 March 2017

Original: English

First session
Vienna, 2-12 May 2017

Nuclear non-proliferation

Working paper submitted by the European Union

Introduction

1. For the European Union, the Treaty on the Non-Proliferation of Nuclear Weapons remains the cornerstone of the global nuclear non-proliferation regime, the essential foundation for the pursuit of nuclear disarmament, in accordance with article VI of the Treaty, and an important element in the further development of nuclear energy applications for peaceful purposes.

2. The European Union and its Member States emphasize the importance of universalizing the Non-Proliferation Treaty and call on States that have not done so to join the Treaty as non-nuclear-weapon States, and, pending their accession to the Treaty, to pledge their commitment to non-proliferation and disarmament.

3. At the start of a new review cycle, our priority is to uphold and preserve the Non-Proliferation Treaty as a key multilateral instrument for reinforcing international peace, security and stability; promote its universalization; and strengthen its implementation. The three pillars of the Treaty remain equally important and mutually reinforcing and can contribute to a safer world. The European Union therefore calls on all States parties to continue to implement, without delay and in a balanced manner, the 2010 action plan designed to strengthen the three pillars of the Treaty. The concrete and mutually reinforcing steps on nuclear disarmament, non-proliferation and peaceful uses of nuclear energy contained in the action plan will contribute to the objective of achieving a world without nuclear weapons. Likewise, all States parties must continue to implement their commitments pursuant to the consensus Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

4. The proliferation of weapons of mass destruction and their means of delivery is a growing threat to international peace and security. The European Union is gravely concerned about the risk of State or non-State actors acquiring such weapons or materiel, which is compounded by emerging challenges, such as

17-04386 (E) 040417

Please recycle

cyberattacks. We need, therefore, to continue to mainstream non-proliferation into our overall policies, resources and instruments.

5. The European Union policy framework supporting internal and global security is enshrined in a number of strategic documents. In 2003, the European Security Strategy listed terrorism and the proliferation of weapons of mass destruction among key threats, with a combination of the two as the most frightening scenario. Also in 2003, the European Union adopted its Strategy against the Proliferation of Weapons of Mass Destruction. In 2008, the European Council adopted new lines for action by the European Union in combating the proliferation of weapons of mass destruction and their delivery systems to strengthen the European Union Strategy against the Proliferation of Weapons of Mass Destruction and its implementation. By providing a concrete framework for collective European Union commitment to the fight against proliferation, the new lines for action made it possible to better focus the efforts of the Member States and European institutions.

6. In June 2016, a Global Strategy[1] for the Foreign and Security Policy of the European Union, entitled "Shared Vision, Common Action: A Stronger Europe", was released. The strategy tackles challenges to security today such as energy security, climate change, terrorism and hybrid warfare that need a response that combines aspects of internal and external policies. The strategy is constructed to help the European Union to be vigilant, cohesive and more effective; to take responsibility in its surrounding regions; to promote resilience; and to address conflicts and crises. In dealing with global challenges, the European Union supports effective multilateralism, with the United Nations at its core. The main premise of the strategy is the concept of effective multilateralism, understood, inter alia, as European Union support for the universalization and effective implementation of international treaties and agreements within this domain.

Safeguards

7. The International Atomic Energy Agency (IAEA) Comprehensive Safeguards System is a fundamental component of the nuclear non-proliferation regime and plays an indispensable role in the implementation of the Non-Proliferation Treaty. We underline the primary responsibility of the Security Council in cases of non-compliance. The European Union also recognizes the serious proliferation challenges that continue to be a threat to international security, and the need to find peaceful and diplomatic solutions to them.

8. The first anniversary of the implementation of the Joint Comprehensive Plan of Action was marked on 16 January 2017. The European Union led the negotiations between the E3/EU+3* and the Islamic Republic of Iran leading to the conclusion of the agreement, and it continues to play a key role, notably through European Union High Representative, Federica Mogherini, Coordinator of the Joint Commission, which is composed of the E3/EU+3 and the Islamic Republic of Iran. The Joint Comprehensive Plan of Action is a successful multilateral endeavour endorsed by the Security Council. The European Union remains committed to the Plan of Action,

[1] See http://eeas.europa.eu/archives/docs/top_stories/pdf/eugs_review_web.pdf.

* China, France, Germany, the Russian Federation, the United Kingdom and the United States, with the High Representative of the European Union for Foreign Affairs and Security Policy.

welcomes the progress made so far in its implementation and underlines the need to continue to ensure its full and effective implementation throughout its entire lifetime, as verified by IAEA. We look forward to the early ratification of the additional protocol by the Islamic Republic of Iran.

9. Comprehensive safeguards agreements, together with additional protocols, constitute the current IAEA verification standard, and the European Union continues to call for their universalization without delay. The additional protocol, which reinforces comprehensive safeguards agreements, provides IAEA with important supplementary tools — broader information and broader access, which significantly increase the Agency's ability to verify the peaceful use of all nuclear material, declared and undeclared. Under an additional protocol, IAEA may also resolve a question or an inconsistency relating to the correctness and completeness of the information provided by a State. For these reasons, the European Union calls on all States that have not yet done so to bring into force an additional protocol without delay.

10. The purpose of a small quantities protocol is to reduce the burden of safeguards implementation for States with little or no nuclear activities. In 2005, the IAEA Board of Governors, as a safeguards-strengthening measure, approved a modified standard text of the small quantities protocol. The European Union urges the remaining States that have not yet amended their protocols to accelerate their efforts so as to maintain the integrity of the Comprehensive Safeguards System.

11. The European Union supports the continued efforts to strengthen the effectiveness of IAEA safeguards through the further development and application of the State-level concept, enhanced capabilities of analytical services, information analysis and technologies. In particular, the European Union is convinced that the consistent and universal application of the State-level concept further strengthens the efficiency and effectiveness of the IAEA Comprehensive Safeguards System and thus contributes to global non-proliferation efforts.

12. For the European Union, the close cooperation between the European Atomic Energy Community (EURATOM) and IAEA allows for effective and efficient safeguards. The European Union also attaches importance to cooperation with IAEA in addressing emerging nuclear technologies that will have an impact on the implementation of safeguards in the future. The European Union is actively supporting the IAEA Comprehensive Safeguards System through the European Commission Safeguards Development and Support programme and the supporting programmes of some of its Member States.

Comprehensive Nuclear-Test-Ban Treaty Organization

13. The European Union considers the Comprehensive Nuclear-Test-Ban Treaty to be of crucial importance to nuclear disarmament and non-proliferation, and its entry into force and universalization remains a top priority. All 28 Member States of the European Union have signed and ratified the Treaty, and the European Union continues to make all efforts to promote the entry into force of the Treaty and, in particular, urges all the eight remaining Annex 2 States to ratify it. The European Union believes that the Treaty contributes to international stability and has proven its effectiveness through its truly global monitoring presence as a powerful and credible verification regime. The political efforts of the European Union have been

complemented by its financial commitment to supporting the Comprehensive Nuclear-Test-Ban Treaty Organization in order to strengthen its verification capabilities, so that the full membership can reap these benefits, including the civil and scientific applications of the monitoring data. In this regard, the adoption by the Security Council of its resolution 2310 (2016), its first-ever resolution specific to the Comprehensive Nuclear-Test-Ban Treaty, 20 years after its opening for signature, was an important development.

Nuclear verification

14. The European Union strongly condemns the nuclear tests and numerous ballistic missile launches conducted by the Democratic People's Republic of Korea, in clear violation of its international obligations under multiple Security Council resolutions. These activities represent a serious threat to international peace and security and undermine the global non-proliferation and disarmament regime. They also underline the necessity of the universalization of the Comprehensive Nuclear-Test-Ban Treaty. The European Union continues to urge the Democratic People's Republic of Korea to re-engage in a credible and meaningful dialogue with the international community, in particular in the framework of the Six-Party Talks, to abide by all its international obligations and abandon its nuclear weapon programme, other weapons of mass destruction and ballistic missile programmes in a complete, verifiable and irreversible manner and to immediately cease all related activities.

15. The threatening and provocative actions of the Democratic People's Republic of Korea confirm the urgent need to further strengthen the Non-Proliferation Treaty and the Comprehensive Nuclear-Test-Ban Treaty. The Democratic People's Republic of Korea is the only State to have conducted nuclear tests in the twenty-first century. These actions aggravate tensions on the Korean Peninsula, to the detriment of all. It is the firm stance of the European Union that the Democratic People's Republic of Korea cannot have the status of a nuclear-weapon State, in accordance with the Non-Proliferation Treaty. Through its repeated tests and missile launches, the Democratic People's Republic of Korea is making progress towards operational capacity, with negative consequences for the stability in Asia and beyond. The full implementation of sanctions against the Democratic People's Republic of Korea is essential. Furthermore, the remaining loopholes in the sanctions regime need to be addressed.

16. The European Union also recalls the resolution of the IAEA Board of Governors, of 9 June 2011, which concluded that the Syrian Arab Republic is in non-compliance with its safeguards agreement, and urged the Syrian Government to cooperate promptly and transparently with the Agency to resolve all outstanding issues, including through concluding and implementing an additional protocol as soon as possible. Notably, the attempts of the Syrian Government to acquire and use ballistic missiles only add to the suffering of the Syrian people and further undermine efforts to establish peace and security in the region.

17. The European Union underscores the importance of a number of Security Council resolutions, in particular resolution 2231 (2015), which called on the Islamic Republic of Iran not to undertake any activity related to ballistic missiles

designed to be capable of delivering nuclear weapons, including launches using such ballistic missile technology.

18. Counter-proliferation sanctions imposed by the Security Council are fully implemented in the Member States of the European Union through European Union law, supplemented by additional autonomous measures adopted by the European Union.

19. The European Union recognizes that negative security assurances strengthen the nuclear non-proliferation regime and calls on all nuclear-weapon States to reaffirm existing security assurances, as noted in Security Council resolution 984 (1995).

Export control regimes/confidence- and security-building measures

20. The European Union attaches great importance to multilateral export control regimes and confidence- and security-building mechanisms, such as the Zangger Committee, the Nuclear Suppliers Group, the Australia Group, the Missile Technology Control Regime and The Hague Code of Conduct, which have established guidelines regarding exports of nuclear, chemical and biological material and missiles and assist us all in preventing proliferation. It is important that the control regimes keep up with current, new and emerging technologies, such as additive manufacturing, synthetic biology and convergence.

21. On 5 December 2016, at its seventy-first session, the General Assembly of the United Nations adopted resolution 71/33 on the Hague Code of Conduct against Ballistic Missile Proliferation, which the European Union fully supported. The European Union calls on all States, in particular those with significant activities in the area of ballistic missiles and space launch vehicles, to adhere to the Hague Code. The European Union will further promote its universalization and, where possible and appropriate, a closer relationship between the Hague Code and the United Nations system. The European Union is also in favour of examining additional multilateral steps to prevent the threat of missile proliferation and promote disarmament efforts in the missile field.

22. All European Union countries follow the European Union control list in order to implement the commitments under the multilateral export control regimes. We strongly support the membership of all 28 European Union Member States in all the international export control regimes, including the Missile Technology Control Regime and the Wassenaar Arrangement, since this would reinforce the efficiency of export controls and contribute to the strengthening of the regimes.

23. The 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons should consider measures aimed at ensuring that nuclear-related exports do not directly or indirectly assist in the development of nuclear weapons or other explosive devices and that such exports are in full conformity with the objectives and purposes of the Non-Proliferation Treaty. The European Union calls on the Non-Proliferation Treaty States to declare their adherence to the multilaterally negotiated and agreed guidelines. The Nuclear Suppliers Group and the Zangger Committee guidelines and control lists provide the best practices for nuclear-related export controls. The European Union is supportive

of the work of the Nuclear Suppliers Group regime, the strengthening of its guidelines and all efforts that contribute to making these guidelines universal.

Terrorism and nuclear security

24. The risk that terrorists will get hold of and use nuclear or radiological materials, including radioactive sources, needs to be taken into account in the framework of our overall efforts to prevent terrorist acts. The European Union underlines the importance of the International Convention for the Suppression of Acts of Nuclear Terrorism and encourages all States to become parties to the Convention and to comply fully with its provisions. While recognizing that nuclear security remains the responsibility of States, international cooperation contributes to strengthening nuclear security. The Member States of the European Union are strongly committed to ensuring the highest level of nuclear security both in Europe and worldwide.

25. The commitment of the European Union to nuclear security and the progress achieved in recent years are described in detail in a joint staff working document,[7] entitled "European Union efforts to strengthen nuclear security", issued on 16 March 2016.

26. IAEA plays a central role in coordinating global efforts and strengthening the international nuclear security architecture. The European Union and its Member States have actively contributed to international initiatives, including the Global Initiative to Combat Nuclear Terrorism and the Nuclear Security Summit process. The four summits, held between 2010 and 2016, have raised the level of priority accorded to nuclear security on the international agenda. The participating States, as well as the European Union, committed to the implementation of the five action plans adopted at the most recent summit, held in Washington, D.C. in April 2016. The European Union was among four international organizations, along with the United Nations, IAEA and the International Criminal Police Organization (INTERPOL), invited to attend the fourth Nuclear Security Summit, and it participates in the newly established Nuclear Security Contact Group, together with the Member States of the European Union.

27. The entry into force of the amendment to the Convention on the Physical Protection of Nuclear Material, on 8 May 2016, is an essential step in strengthening nuclear security. It requires parties not only to protect nuclear material in international transport but to protect nuclear facilities and nuclear material in domestic storage, use or transport, including by imposing legally binding measures. Moreover, the amendment will help to increase international cooperation in locating and recovering stolen or smuggled nuclear material and in improving the capacity of each State party to take appropriate actions with the aim of preventing acts of sabotage or of mitigating or minimizing the radiological consequences thereof. After the entry into force of the amendment, efforts should focus on both the effective implementation of all provisions by State parties and the universalization of the amended Convention.

[7] See https://ec.europa.eu/transparency/regdoc/rep/10102/2016/EN/10102-2016-98-EN-F1-1.PDF.

Security Council resolution 1540 (2004)

28. For the European Union, Security Council resolution 1540 (2004) remains a key part of the international non-proliferation architecture. Resolution 1540 (2004) has become even more important in the current context, characterized by acute and diffuse threats, in which the distinction between international and internal security has become blurred.

29. The European Union is therefore pleased to see that the comprehensive review conducted in 2016 reaffirmed the centrality, importance and authority of Security Council resolution 1540 (2004) in the multilateral non-proliferation architecture. Moreover, all 28 Member States of the European Union co-sponsored Security Council resolution 2325 (2016), which the Council unanimously adopted on 15 December 2016.

30. The European Union welcomes the fact that Security Council resolution 2325 (2016) places renewed emphasis on coordination between the Security Council Committee established pursuant to resolution 1540 (2004) and international, regional and subregional organizations. Likewise, it welcomes the idea of strengthening the role of the Committee in facilitating technical assistance in the implementation of resolution 1540 (2004), in particular by actively engaging in matching offers with requests for assistance, including through a regional approach.

31. The European Union is currently preparing a new Council decision for a period of three years, designed to help to implement the outcome of the comprehensive review of Security Council resolution 1540 (2004). Building on past fruitful cooperation, the United Nations Office for Disarmament Affairs will again be asked to fulfil the role of implementing partner for this project, in collaboration with the Organization for Security and Cooperation in Europe (OSCE). Through this new Council decision, the European Union will support cooperation and capacity-building at both the national and the regional levels, with special attention to the role of industry and support for relevant initiatives. The new Council decision also envisages closer cooperation between European Union-funded projects implemented by the United Nations Office for Disarmament Affairs and by OSCE and those implemented by the European Commission through the European Union Chemical Biological Radiological and Nuclear Risk Mitigation Centres of Excellence Initiative.

32. Furthermore, recognizing the need to ensure the coordination of efforts at the regional and international levels in order to strengthen a global response, the European Union is actively engaged in outreach to third countries in the areas of non-proliferation and export controls. The European Commission has developed a dedicated export control programme to enhance regulatory convergence and a level global playing field in order to assist third countries to establish well-functioning export control systems and support their compliance with the obligations set out under Security Council resolution 1540 (2004). In order to enhance cooperation, the European Commission will continue the "European Union Partner-to-Partner Export Control Programme for dual-use items", which offers a basis for updating third countries on developments with respect to European Union legislation in order to assist them in establishing well-functioning export control systems.

Weapons of mass destruction free zone in the Middle East

33. The European Union considers that all States of the Middle East region becoming parties to the Non-Proliferation Treaty, the Comprehensive Nuclear-Test-Ban Treaty, the Chemical Weapons Convention and the Biological and Toxin Weapons Convention would be an important confidence- and security-building measure, which could constitute a tangible step in the direction of a weapons of mass destruction free zone in the Middle East.

34. In early 2017, the European Union Special Envoy for Non-proliferation and Disarmament and the co-conveners met, separately, with representatives of the Panel of Wise Men on Disarmament Issues and Non-Proliferation of the Arab League to renew engagement on this important issue. The European Union supports the resolution on the Middle East adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, and the validity of the goals and objectives adopted by the 2000 Review Conference and the conclusions and recommendations of the action plan of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. The European Union supported the preparations for a conference to begin negotiations on the establishment of a weapons of mass destruction free zone in the Middle East and the efforts of the Facilitator and Ambassador of Finland, Jaakko Laajava. The European Union persistently called on all States in the region to proactively engage with the Facilitator and the co-conveners with the aim of enabling the conference to be convened as soon as possible, on the basis of arrangements freely arrived at by the States of the region. The European Union has repeatedly expressed regret at the postponement of the conference.

35. The European Union maintains the view that dialogue and confidence-building among stakeholders is the only sustainable way to agree on arrangements for a meaningful conference, to be attended by all States of the Middle East on the basis of arrangements freely arrived at by them, as decided by the 2010 Review Conference. To that end, the European Union is ready to facilitate, including with financial support, preparatory discussions among stakeholders.

Outstanding disarmament issues

36. For the European Union, the immediate commencement and early conclusion of negotiations at the Conference on Disarmament of a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, on the basis of document CD/1299 and the mandate contained therein, remains a clear priority. The European Union calls on all members of the Conference on Disarmament to start negotiations on such a treaty without delay and to begin work on the other issues on the agenda, in line with the adopted programme of work for the Conference on Disarmament (document CD/1864). The European Union also calls on all States possessing nuclear weapons that have not done so to declare and uphold an immediate moratorium on the production of fissile material for nuclear weapons or other nuclear explosive devices.

37. The European Union is ready to support the work of a high-level expert preparatory group on a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, established by General Assembly

resolution 71/259 and complemented by open-ended consultative meetings, to bring the Conference on Disarmament closer to negotiations on this important issue, which would significantly strengthen the nuclear disarmament and non-proliferation architecture.

38. The European Union also supported the adoption of General Assembly resolution 71/67 on nuclear disarmament verification and welcomes the establishment of a group of governmental experts to consider the role of verification in advancing nuclear disarmament. While verification is not an aim in itself, further development of multilateral nuclear disarmament verification capabilities will be required for the achievement and maintenance of a world without nuclear weapons.

European Union commitment/global strategy

39. The European Union Global Strategy on Foreign and Security Policy provides the foundation for the European Union to continue and even step up its efforts in foreign and security policy in the coming years. In line with the Global Strategy, we strongly support multilateral disarmament, non-proliferation and arms control treaties and regimes, especially the implementation of the new START Treaty. Our main modus operandi remains to work with partners, especially the relevant United Nations agencies and regional organizations such as IAEA, OSCE, the Comprehensive Nuclear-Test-Ban Treaty Organization and the African Union, and also industry, academia, civil society and non-governmental organizations.

40. A good example of comprehensive European Union engagement is the European Union Chemical Biological Radiological and Nuclear Risk Mitigation Centres of Excellence Initiative.[1] This is a capacity-building programme with 56 partner countries and 8 regional Centres of Excellence. It is aimed at mitigating biological, radiological and nuclear risks, while nurturing a culture of security and strengthening governance in this specific field. The Centres of Excellence are financed under the Instrument contributing to Stability and Peace, with a budget of €250 million for the years 2010 to 2020.

Conclusion

41. The concrete and mutually reinforcing steps on nuclear disarmament, non-proliferation and the peaceful uses of nuclear energy contained in the 2010 Non-Proliferation Treaty Action Plan will contribute to the objective of achieving a world without nuclear weapons.

42. The European Union and its Member States agree on the importance of upholding and strengthening the authority and integrity of the Non-Proliferation Treaty, which has contributed to international peace, security and stability for more than 40 years. The Member States of the European Union, today more than ever, remain committed to the pursuit of nuclear disarmament, in accordance with article VI of the Treaty, and stress the need for concrete progress in this field, especially through an overall reduction in the global stockpile of nuclear weapons, taking into account the special responsibility of the States that possess the largest arsenals. The European Union and its Member States call for the implementation of all

[1] For more information on this initiative, see http://www.cbrn-coe.eu/.

obligations and commitments assumed under the Treaty or undertaken during the previous Review Conferences.

43. The European Union stresses the overriding importance of a successful outcome of the 2020 Review Conference and will fully support the Chairs of the Preparatory Committee for the Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons in order to ensure a successful review cycle.

17-04386

NPT/CONF.2020/PC.I/WP.8

Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

17 March 2017

Original: English

First session
Vienna, 2-12 May 2017

Peaceful uses of nuclear technology

Working paper by the European Union

1. For the European Union, the Treaty on the Non-Proliferation of Nuclear Weapons remains the cornerstone of the global nuclear non-proliferation regime, the essential foundation for the pursuit of nuclear disarmament in accordance with article VI of the Treaty and an important element in the further development of nuclear energy applications for peaceful purposes. The European Union recognizes the right of States parties to the Treaty to use nuclear energy for peaceful purposes, in accordance with article IV and with due regard to articles I, II and III, and remains committed to ensuring the responsible development of peaceful uses of nuclear energy in the best safety, security and non-proliferation conditions.

2. Against this background, the European Union and its member States have used part of their assistance for the past 20 years to ensure the safe and secure use of nuclear energy. Together, they are currently one of the largest providers of aid and assistance worldwide. Several hundred million euros have been spent through various nuclear safety programmes under the European Union Instrument for Nuclear Safety Cooperation and security programmes, as well as through the Instrument contributing to Stability and Peace.

3. The Treaty provides a solid framework promoting confidence and cooperation in the peaceful uses of nuclear energy. Its thorough implementation is essential to facilitating the use of nuclear applications in a growing range of areas. The European Union believes that the use of nuclear energy must be accompanied by adherence to rigorous safety and security conditions and regulations, including at all stages of the nuclear fuel cycle. In order to ensure the peaceful uses of nuclear technology worldwide, it is paramount that the safety and security guidelines of the International Atomic Energy Agency (IAEA) be applied to technical cooperation projects that involve the use of nuclear or radiological material.

4. The European Union underscores the importance of the safe, secure and safeguarded use of nuclear energy and nuclear applications in peaceful activities around the world. It does so by working directly with countries in Europe and beyond, and by supporting the work of IAEA in that respect. Funds are channelled

17-04389 (E) 100417

Please recycle

through dedicated financial instruments into the fields of nuclear safety, security and research. Funding amounts to some 150 million euros a year. The European Union and its member States also provide valuable technical and scientific support for IAEA. In the field of nuclear safeguards, the financial support of the European Union to IAEA is the second largest, and is provided through the European Commission Nuclear Safeguards Support Programme and the support programmes of some of its member States. The European Union and its member States make available their nuclear expertise to IAEA and thus contribute to the implementation of the major programmes of the Agency on nuclear safety, waste management, radiation protection, safeguards and security.

Technical cooperation and peaceful uses

5. The European Union and its member States continue to be strong supporters of the Technical Cooperation Programme of IAEA, including through the Technical Cooperation Fund and the Peaceful Uses Initiative, and are the second largest contributors to the Technical Cooperation Programme. The European Union also supports both IAEA and IAEA member States in the peaceful uses of nuclear energy and technology through technical expertise and a total amount of some 150 million euros per year. We fully appreciate the role of IAEA in promoting a responsible development of the peaceful applications of nuclear technology in the areas of, inter alia, human health, food and agriculture, water resources, environment, preservation of cultural heritage, nuclear and radiation safety and nuclear energy. The European Union is engaged with IAEA regarding three project proposals, in Burkina Faso, Ethiopia and Viet Nam, on strengthening the evidence base for nutrition programming to improve human health and a special programme on cancer control.

6. The European Union and its member States appreciate the role that IAEA has been able to play in recent years in tackling zoonotic disease outbreaks. The IAEA sterile insect technique was one of the tools used in response to the outbreak in Latin America and the Caribbean of the Zika virus disease in 2016. Likewise, the Agency's rapid diagnostic equipment, used in West Africa to help to tackle the Ebola virus outbreak, is another example of where IAEA has been able to use its expertise to respond to a crisis. It is important that IAEA continue to develop its capacity in such areas. In this respect, the European Union and its member States support the activities of IAEA at its Nuclear Sciences and Applications Laboratories in Seibersdorf, Austria, and the Director General's initiative on the much needed modernization of the ReNuAL and ReNuAL+ laboratories. The European Union and its member States have contributed more than 4.5 million euros to the laboratory renovations, in addition to providing in-kind support.

7. The European Union and its member States fully support the IAEA comprehensive Programme of Action for Cancer Therapy. This programme of work can bring cancer diagnosis and treatment to those countries where they are most needed and we encourage IAEA to continue to develop its partnerships to achieve this goal.

8. We also note positively that IAEA has been actively participating in the global development dialogue on the post-2015 development agenda, advocating the importance of nuclear science, technology, innovation and capacity-building in the

new Sustainable Development Goals framework. We believe that IAEA has an important role to play, including through its technical cooperation programme, in advancing sustainable socioeconomic development. The Sustainable Development Goals that the Agency can contribute to achieve, include, among others relevant to its competency, ending hunger, achieving food security and improved nutrition and promoting sustainable agriculture, ensuring healthy lives and promoting well-being for all at all ages, and taking urgent action to combat climate change and its impacts.

European Union nuclear research and training

9. Under the Research and Training Programme of the European Atomic Energy Community (2014-2018) complementing the Horizon 2020 Framework Programme for Research and Innovation, the Joint Research Centre of the European Commission is mandated to directly carry out research in nuclear safety, security and safeguards. The main objectives of the direct actions include: improving nuclear safety, including nuclear reactor and fuel safety, and waste management, including final geological disposal as well as partitioning and transmutation; decommissioning; and emergency preparedness; improving nuclear security, including combating illicit trafficking, and nuclear forensics; increasing excellence in the nuclear science base for standardization; fostering knowledge management, education and training; and supporting the policy of the European Union on nuclear safety. Under the Programme, the European Commission cooperates with third countries, such as Canada, China, Japan and the United States of America, on nuclear research activities.

10. On 2 December 2016, the launch event of the European Learning Initiatives for Nuclear Decommissioning and Environmental Remediation took place in Bratislava. On that occasion, the Joint Research Centre of the European Commission signed a memorandum of understanding with 13 partners active in the field of nuclear decommissioning.

European Union commitment to nuclear safety

11. The European Union has accumulated substantial experience in nuclear safety, including decommissioning nuclear installations and radioactive waste management. European Union member States possess broad expertise in all nuclear safety domains. The diversity of technology, which requires different approaches, also allows for the flexibility necessary in building cooperation with partner countries. The European Union has a coherent and comprehensive legal framework for the safe, secure and sustainable use of civil nuclear power, covering nuclear safety and radioactive waste as well as spent fuel management. The framework is also applied to areas not related to electricity generation.

12. All European Union member States and the European Atomic Energy Community (Euratom) are contracting parties to the relevant safety conventions and participate in reviews and meetings in collaboration with national and international technical support organizations, such as the Western European Nuclear Regulators Association, the European Nuclear Safety Regulators Group and the European Network of Transmission System Operators. The European Union calls upon all

IAEA member States, especially newcomer countries, to become party to the relevant conventions and actively participate.

Euratom nuclear safety regime

13. Nuclear energy is the subject of a separate treaty, the Treaty establishing the European Atomic Energy Community, to which all European Union member States are parties. We are pleased to recall that 2017 marks the sixtieth anniversary of the signing in Rome, on 25 March 1957, of the Euratom Treaty. The Euratom Treaty is treated as *lex specialis* with respect to the European Union Treaty and its Treaty on the Functioning of the European Union for all matters that are specified in it. In terms of governance, nuclear energy is covered both by the special provisions of the Euratom Treaty, which, inter alia, confers unique powers in the field of safeguards and specific external representation tasks to the European Commission. The nuclear safety of all nuclear facilities, and in particular of nuclear power plants, is an absolute priority for the European Union and its member States. The key principle is to strive for continuous improvements of safety levels in order to maintain the highest standards of safety.

14. Following the 2011 Fukushima nuclear accident in Japan, risk and safety assessments ("stress tests") of all European Union nuclear power plants were carried out to reassess their overall safety and sturdiness in the face of extreme natural events. The results confirmed that European Union member States were complying with the high standards of nuclear safety, but also recommended the implementation of tangible safety improvements. To that effect, national nuclear safety regulators have developed national action plans for the implementation of the identified recommendations. The high priority of nuclear safety for the peaceful use of nuclear energy is fully reflected in the relevant Euratom legal regime through the revision of the nuclear safety directive and the basic safety standards, and in the provisions under chapter 3 of the Euratom Treaty.

European Union nuclear safety cooperation

15. The European Union attaches the utmost importance to the worldwide implementation and continuous improvement of nuclear safety. The Euratom nuclear safety directive sets the objective of preventing accidents and, should they occur, of mitigating the consequences and avoiding early and large radioactive releases. This objective is also part of the Vienna Declaration on Nuclear Safety adopted by the contracting parties to the Convention on Nuclear Safety. The European Union and its member States emphasize the importance of the implementation of the report on building on the IAEA action plan on Nuclear Safety.

16. In support of the peaceful uses of nuclear energy, the European Union has allocated 225 million euros for the period 2014-2020 to promote nuclear safety, safety of radioactive waste and spent nuclear fuel management, radiation protection and the application of efficient and effective safeguards in third countries. Funds are channelled through dedicated financial instruments dealing with nuclear safety and safeguards for nuclear material. The European Union works directly with its partners in Europe and beyond and supports the work of IAEA.

17. The Instrument for Nuclear Safety Cooperation (2014-2020) continues to promote the highest nuclear safety levels in priority partner countries. Activities focus on:

- Promotion of an effective culture for nuclear safety and implementation of the highest nuclear safety and radiation protection standards
- Safety of radioactive waste and spent nuclear fuel management, including environmental remediation of former nuclear mining sites
- Safeguards
- International cooperation

Priority partners include countries considering the launching of nuclear programmes or needing to address radioactive waste issues. The Instrument also contributes substantially to international funds that address nuclear safety and radiation protection issues, for instance the Chernobyl Shelter Fund.

European Union support for nuclear security

18. While recognizing that nuclear security remains the responsibility of States, the European Union believes that strengthening nuclear security through international cooperation is essential for ensuring the protection of people and the environment and that nuclear security remains a crucial element in supporting and complementing technical cooperation projects on the peaceful uses of nuclear energy. National nuclear security measures and international cooperation must be in place to secure nuclear and other radioactive material and nuclear facilities and prevent illicit nuclear and radiological trafficking and terrorism. Nuclear security is an absolute necessity and is based on the efforts and responsibilities of individual States to establish appropriate systems and take the measures necessary to prevent, detect and respond to unauthorized access to nuclear and other radioactive material and nuclear facilities, protect those facilities from sabotage, and protect the transport of nuclear and radioactive material and sensitive nuclear knowledge and information against unauthorized access.

19. The European Union strongly supports the central role of IAEA in the global nuclear security architecture as widely recognized by international initiatives that have contributed to strengthening nuclear security. The IAEA Nuclear Security Advisory Services are valuable tools to assist member States in evaluating and strengthening their national nuclear security regimes. In this regard, the European Union welcomes the increased recognition and use of the International Physical Protection Advisory Service and encourages all IAEA member States to make further use of these important services, and to participate therein.

20. The entry into force of the Amendment to the Convention on the Physical Protection of Nuclear Material and Nuclear Facilities, to which all European Union member States, as well as the Euratom Community, are parties, is a milestone. The European Union supported IAEA in promoting the original Convention and its Amendment. The European Union supports the full implementation of the provisions of the Amended Convention and encourages IAEA to promote universal adherence to it.

Addressing nuclear security internally

21. With regard to nuclear and radiological security, significant progress has been made in the last decade in the European Union through the implementation of an internal plan on chemical, biological, radiological and nuclear security. In 2009, the European Union adopted a chemical, biological, radiological and nuclear security action plan to strengthen such security throughout the European Union. Based on an all-hazards approach, the overall goal of the action plan was to reduce the threat and consequences of chemical, biological, radiological and nuclear security incidents of accidental, natural and intentional origin, including terrorist acts. This all-hazards approach also has a global component through the European Union Chemical, Biological, Radiological and Nuclear Risk Mitigation Centres of Excellence Initiative, the European Union contributes to capacity-building in other countries with eight regional secretariats covering more than 56 States and with some 25 more looking to join.

22. The European Union has also developed, through the European Commission's Joint Research Centre, specific expertise in the field of nuclear detection and forensic analysis of nuclear and radiological materials. This expertise is now complemented by a comprehensive training programme for frontline responders and national experts on detection, forensics and response at the European Union's own nuclear facility. The European Commission and the European Union member States continued their nuclear forensics activities on the basic characterization of intercepted nuclear material, using advanced nuclear forensic investigation at the Joint Research Centre Institute for Transuranium Elements. Overall, nuclear materials detected and seized in more than 50 incidents have been examined, thus providing support to competent authorities in European Union member States and beyond.

European Union support for the nuclear security activities of the International Atomic Energy Agency

23. Together with its member States, through their bilateral contributions, the European Union is the second largest donor to the IAEA Nuclear Security Fund. The total European Union financial contribution to the Fund, based on six successive Council joint actions and decisions has reached almost 42 million euros for the period 2009-2016. Building on the success and lessons learned from Council Decision VI (2013/517/CFSP), in December 2016 the European Union adopted Council Decision VII (2016/2383/CFSP) thereby supporting IAEA nuclear security activities with more than 9 million euros. European Union funding to IAEA has helped the Agency to assist countries with upgrading and ensuring the physical protection of selected facilities, improve their national regulatory infrastructure concerning physical protection and the safety and security of radioactive material, and enact the necessary legislation. Numerous vulnerable sources have been protected, dismantled or disposed of, sensitive nuclear equipment and technology and border monitoring equipment have been upgraded and the training of officials has served to strengthen nuclear security worldwide. The funds have been used to support IAEA assistance projects to improve the security of nuclear and radioactive materials in the Balkans, the Caucasus region, Central Asia, the Mediterranean region, Africa and South-East Asia. This support includes legislative and regulatory

assistance for the implementation of the obligations of countries under the relevant international legal instruments, strengthening the physical protection of nuclear and radiological materials and strengthening the capabilities for detecting and responding to illicit trafficking.

24. The Euratom Research and Training Programme (2014-2018) complements the Horizon 2020 Framework Programme for Research and Innovation in the field of nuclear research and training. Euratom fission research is essentially aimed at enhancing the safety and performance records of nuclear energy production technology, contributing to the development of safe and publicly acceptable solutions for the management of radioactive waste and furthering the understanding of the effects of low doses of ionizing radiation on humans and the environment in order, notably, to ascertain strategies relevant to radiation protection.

25. The European Commission Joint Research Centre has continued to support the IAEA Illicit Incident and Trafficking Database. The Agency has acknowledged the improvements in reporting achieved through modernizing the incident notification forms website. The European Union's support in this respect will continue.

26. Building on the commitment by the Council of the European Union of 8 December 2008, the Council adopted Decision (CFSP) 2016/2001 of 15 November 2016 on a Union contribution for the establishment and the secure management of a Low Enriched Uranium Bank under the control of IAEA in the framework of the European Union strategy against the proliferation of Weapons of Mass Destruction. The contribution of more than 4 million euros will help to ensure that nuclear fuel is supplied in a secure and safe manner. It will also help IAEA to guarantee the security and safety of transporting low-enriched uranium from procurement to supply, and during storage at the Bank's site. Under the Instrument for Stability, the European Commission has already provided 20 million euros for the purpose of acquiring the low-enriched uranium once the project is fully operational.

Nuclear power production

27. The European Union underscores that each country is free to decide whether or not to include nuclear power as part of its own energy mix. If countries opt for nuclear power, it is essential that it be used safely and securely. At the twenty-first session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, some IAEA member States, when communicating their intended nationally determined contributions which the Paris Agreement encourages to review every five years, stated that nuclear power played a significant role in their national energy production.

28. Nuclear energy accounts for 28 per cent (876 TWh) of the domestic production of energy in the European Union. There are 128 nuclear power reactors with a total net capacity of 119,000 MWe in operation in 14 European Union member States, managed by 18 nuclear utilities. The contribution of nuclear energy to the gross electricity production and to the energy mix differs significantly between member States. There are currently four reactors under construction, located in Finland, France and Slovakia.

29. Concerning the facilities in operation, the average age of the European reactors is approaching 30 years and questions about long term operation and replacement of the existing capacity are gradually becoming more important for member States and national safety authorities. Europe is furthermore moving to a phase where the back end of the fuel cycle will receive greater attention.

30. Concerning the facilities to be built, they should only be planned and constructed with strict adherence to relevant international conventions and nuclear safety standards, as well as national safety regulations, ensuring open dialogue with neighbouring countries and transparent public communication.

Non-power applications of nuclear and radiation technology

31. The collaboration between the Joint Research Centre of the European Commission and IAEA has been reinforced by a practical arrangement on cooperation in nuclear science and applications for sustainable development, signed by the two parties in the margins of the European Union-IAEA Senior Officials Meeting in Brussels, on 15 February 2017. The practical arrangement covers the following horizontal areas: development and production of reference materials, proficiency tests and inter-laboratory comparison exercises, development and implementation of new methodologies for obtaining and utilizing large amounts of data arising from several sources, development and validation of analytical methods, supporting best practices for high quality of measurements, development and implementation of joint educational and training courses, including workshops, and cooperation in the area of primary standardization with direct traceability.

32. Non-energy applications of nuclear technology may also contribute to climate change mitigation, for instance through improvements to soil conservation, crop enhancement and food treatments. Nuclear technologies also contribute to monitoring the effect of global efforts to reduce greenhouse gas effect emissions, through the measurement of ocean acidification. In a globalized world, nuclear technology have also a key role to play to help with food traceability, health care and anti-counterfeiting of drugs. Moreover, the support of IAEA for the development of nuclear technologies in the fight against cancer through screening instruments and adequate treatments remains one of its most important programmes.

33. Nuclear and radiation technology has many beneficial applications in Europe in vital areas such as medicine, industry and research. Furthermore, the Directorate-General for Energy of the European Commission has embarked on a series of activities with the objective of developing, by 2018, a strategic agenda for medical, industrial and research applications of nuclear and radiation technology.

Developing nuclear fusion

34. Fusion can play an important role in Europe's future energy landscape, if it can be proven as a virtually inexhaustible, climate-friendly and available energy source. Fusion reaction does not produce greenhouse gases or long-lasting radioactivity and the fuel is widely available. By the end of this century, fossil fuels will have been phased out of the energy mix and fusion, if successfully pursued, could represent a potential suitable complement to energy from renewable sources. This is particularly important following the Paris Agreement of 2015 and the commitment

by the European Union to leading the way in decarbonizing the economy and tackling global climate change in a cost-effective manner.

35. The International Thermonuclear Experimental Reactor (ITER) is the European flagship project to demonstrate the scientific and technological feasibility of fusion as a safe, environmentally responsible and abundant energy source. To this end, China, Euratom, India, Japan, the Republic of Korea, the Russian Federation and the United States (the ITER project members) agreed in 2006 to build the reactor together in Cadarache, France. Together, the participating nations represent over 50 per cent of the world's population and 80 per cent of the global gross domestic product.

NPT/CONF.2020/PC.I/WP.9

Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

21 March 2017

Original: English

First session
Vienna, 2-12 May 2017

Taking forward nuclear disarmament

Working paper submitted by Ireland on behalf of Brazil, Egypt, Mexico, New Zealand and South Africa, as members of the New Agenda Coalition

Introduction

1. In 1998, the founding Ministers of the New Agenda Coalition unanimously concluded that "the proposition that nuclear weapons can be retained in perpetuity and never used — accidentally or by decision — defies credibility. The only complete defence is the elimination of nuclear weapons and assurance that they will never be produced again".

2. It is a matter of deep regret that, almost 20 years later, some States continue to plan for the indefinite possession of nuclear weapons and to justify the continued retention of nuclear weapons on the basis of asserted security concerns. Such attempts not only undermine the grand bargain and credibility of the Treaty on the Non-Proliferation of Nuclear Weapons, but may also encourage proliferation.

3. The New Agenda Coalition considers that the current global security situation, far from serving as an excuse for lack of progress, reinforces the need for urgent action on nuclear disarmament. The failure of the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to achieve consensus on an outcome document puts into stark relief the need for progress as well as the responsibility of all States parties to the Treaty to prevent such a profoundly disappointing result from being repeated. It is our common duty to make all efforts to ensure that the 2020 Review Conference delivers a concrete and meaningful outcome.

4. As we look to move forward in a determined, concerted and effective manner towards the full implementation of the Treaty, it is imperative that we build on what we have learned during previous review cycles.

17-04441 (E) 070417

Please recycle

i. The slow pace of nuclear disarmament is undermining the credibility of the Non-Proliferation Treaty

5. Despite the unanimous recognition of the devastation that would be cast upon all mankind by a nuclear war, as reflected, inter alia, in the preamble of the Treaty, progress on nuclear disarmament over the past decades has been unacceptably slow and the implementation of the nuclear disarmament pillar of the Treaty has yet to be achieved.

6. The New Agenda Coalition recalls article VI of the Treaty, which stipulates an obligation to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament. In its 1996 advisory opinion, the International Court of Justice confirmed that this provision establishes not merely an obligation of conduct, but one of result, when it unanimously concluded that "there exists an obligation to pursue in good faith and to bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under effective international control". The New Agenda Coalition recalls that article VI is binding upon all States parties to the Treaty. We note that the pursuit of complementary initiatives in parallel forums may support but cannot replace progress within the Treaty.

7. At the 1995 Review and Extension Conference, the decision was taken unanimously to extend the Treaty indefinitely so that the obligations assumed under it, including article VI, could continue in force. However, 47 years after the entry into force of the Treaty, in the lead-up to the twenty-fifth anniversary of the indefinite extension of the Treaty, article VI remains unfulfilled.

8. The 2000 Review Conference agreed on a series of 13 practical steps for systematic and progressive efforts to implement article VI of the Non-Proliferation Treaty and paragraphs 3 and 4 (c) of the 1995 decision on "Principles and objectives for nuclear non-proliferation and disarmament", including the entry into force of the Comprehensive Nuclear-Test-Ban Treaty; the adoption of a programme of work and the commencement of negotiations on a treaty banning the production of fissile material in the Conference on Disarmament; an unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament; and diminishing the role of nuclear weapons in security policies. To date, these 13 steps remain largely unfulfilled.

9. The 2010 Review Conference noted "the reaffirmation by the nuclear-weapon States of their unequivocal undertaking to accomplish, in accordance with the principle of irreversibility, the total elimination of their nuclear arsenals leading to nuclear disarmament". The Conference agreed on a 64-point action plan across all pillars of the Non-Proliferation Treaty, as part of which the nuclear-weapon States committed "to accelerate concrete progress on the steps leading to nuclear disarmament, contained in the Final Document of the 2000 Review Conference", including by "rapidly moving towards an overall reduction in the global stockpile of all types of nuclear weapons". However, progress on the above-mentioned steps has been limited and slow. Moreover, the "unequivocal" nature of this undertaking by the nuclear-weapon States is undermined by subsequent claims by some nuclear-weapon States that they have reached the limits of their minimum credible nuclear

deterrence requirements and therefore cannot reduce their nuclear arsenals further in current circumstances.

10. The urgency and importance of achieving the universality of the Treaty was reiterated in 2010, and States parties were called upon to make all efforts to promote universal adherence and not to undertake any actions that could negatively affect this goal. No progress has been made in this regard.

11. The resolution on the Middle East, adopted at the 1995 Review and Extension Conference, provided for the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction. The 2010 Review Conference mandated States parties to the Treaty to convene a conference for the establishment of such a zone; however, efforts to implement this commitment failed in 2012. Five years later, the 2015 Review Conference failed to reach agreement on an outcome document that would initiate the process to implement the 1995 resolution on the Middle East. The decision to extend the Treaty indefinitely was made possible only through a negotiated package of texts, which included the resolution on the Middle East. The New Agenda Coalition wishes to recall that this resolution remains valid until fully implemented.

12. The New Agenda Coalition recalls that all States parties should be held fully accountable with respect to strict compliance with their obligations under the Treaty, as well as with all decisions, resolutions and commitments made at the 1995, 2000 and 2010 Review Conferences. The New Agenda Coalition further recalls the commitment of all States parties, and in particular the nuclear-weapon States, to applying the principles of irreversibility, verifiability and transparency in relation to the implementation of their Treaty obligations.

13. The New Agenda Coalition wishes to stress that it is past time for these commitments, freely entered into and reaffirmed at successive Review Conferences, finally to be met. The New Agenda Coalition believes that accountability can be strengthened through enhanced transparency and measurability of the implementation of nuclear disarmament obligations and commitments, and that progress in these fields would help to restore the credibility of the Treaty and build confidence in the disarmament process. This Preparatory Committee is an opportunity for all States parties, and particularly the nuclear-weapon States, to demonstrate their commitment to the full implementation of the Treaty.

ii. The risk of a nuclear weapon detonation is increasing

14. In the light of the lack of implementation of nuclear disarmament obligations and of the increasing risks posed by the continued existence of nuclear weapons, the need for progress is growing.

15. Risk is calculated through the use of matrices combining the range of potential consequences with the best estimates of probabilities. It is often argued by the nuclear-weapon States that the risk of an intentional nuclear detonation is minimal because its probability is very low, despite general acknowledgement of the devastating consequences such a detonation would have. However, in the light of the fragile international security environment, increased tensions in bilateral relations and a renewed tide of modernization and qualitative improvement of

nuclear arsenals, the probability that a conventional conflict may escalate into a nuclear one is once again growing.

16. Leaving aside the risk from deliberate use of nuclear weapons and risks from non-State actors gaining access to them, another deeply worrying possibility, which was highlighted in the context of the Conferences on the Humanitarian Impact of Nuclear Weapons, was the hitherto little-understood risk of accidental or mistaken detonation.

17. Another worrying aspect is the vulnerability of the technology used in nuclear weapons systems to cyberattacks, with serious implications for the probability of a nuclear detonation.

18. Numerous reported failures relating to ballistic missile tests also clearly demonstrate the risk inherent in nuclear weapons systems.

iii. Increased awareness of the catastrophic humanitarian consequences of a nuclear weapon detonation is a key driver for more urgent progress in nuclear disarmament

19. The New Agenda Coalition recalls that the 2010 Review Conference expressed its deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons and reaffirmed the need for all States at all times to comply with applicable international law, including international humanitarian law. Since then, the body of expert research and contributions presented at the three Conferences on the Humanitarian Impact of Nuclear Weapons, hosted by the Governments of Norway, Mexico and Austria, as well as to the open-ended working groups on nuclear disarmament in 2013 and 2016, have significantly added to our knowledge and understanding of the grave impact any nuclear weapons use, accidental or deliberate, would have for humanity and for the planet.

20. Beyond the immediate indiscriminate and large-scale human suffering any detonation in an urban setting would cause — against which, as confirmed by the International Committee of the Red Cross, the international community has no adequate response capacity — lie the wider and broader impacts of the smoke and radiation released by such a detonation. It is essential to raise awareness, particularly in nuclear-weapon States and in States hosting nuclear weapons, of what it is that is being threatened when leaders talk of "regional", "targeted", "tactical" or "limited" nuclear weapons use. What we are talking about is catastrophic and indiscriminate humanitarian harm with long-term consequences that are transboundary and global. There is no such thing as a "limited" or "regional" nuclear strike.

21. In addition to the grave, long-term and well-known problems that arise from excessive nuclear radiation for the environment and for humanity as a whole, the New Agenda Coalition would like to highlight the compelling evidence presented to the Vienna Conference on the Humanitarian Impact of Nuclear Weapons, and subsequently on the margins of the 2015 Review Conference, on the gendered and disproportionate impact of nuclear weapons on women and girls.

iv. Obstacles to progress

22. The New Agenda Coalition is deeply concerned by the clear evidence of increasing challenges to the norm against the threat of use of nuclear weapons, as well as by recent developments in nuclear-weapon States aimed at modernizing and qualitatively improving these weapons, thus contributing to the renewed nuclear arms race. These developments, together with the failure to remove from high alert status operational nuclear weapons as a means of reducing nuclear tensions, call into question the unequivocal undertaking of nuclear-weapon States to accomplish the total and irreversible elimination of their nuclear arsenals.

23. The New Agenda Coalition urges all States parties to the Treaty to work together with a view to achieving a strong and united outcome in 2020, marking 50 years since the Treaty entered into force, which will reflect the urgency and significance of the issues addressed in the present paper and will reinforce the Treaty as a key source of nuclear disarmament obligations.

Conclusions and recommendations for the 2020 review cycle

24. The New Agenda Coalition reiterates the need for urgent action to be taken to accelerate the implementation of all nuclear disarmament obligations under the Treaty, as well as all commitments and undertakings entered into at the 1995, 2000 and 2010 Review Conferences. The continued existence of nuclear weapons and the threat of their proliferation 47 years after the entry into force of the Treaty contradicts commitments made under the Treaty. The nuclear-weapon States must, without further delay, fulfil their obligations flowing from article VI.

25. The New Agenda Coalition reiterates its commitment to the application of the nuclear disarmament principles of irreversibility, verifiability and transparency. For their adequate application, further progress is needed on the development of technical approaches, supplemented by appropriate legally binding measures, in the context of the implementation by the nuclear-weapon States of agreements concerning nuclear weapon reductions.

26. While acknowledging that the total elimination of nuclear weapons in a transparent, verifiable and irreversible manner will take time, the 2020 review cycle should explore options for strengthening accountability through enhanced transparency and measurability of the implementation of nuclear disarmament obligations and commitments.

27. As an interim step, the New Agenda Coalition urges nuclear-weapon States to remove operational nuclear weapons from high alert status and to put in place, as a matter of urgency, appropriate legal and procedural safeguards aimed at reducing the risk of a nuclear detonation.

28. The New Agenda Coalition reiterates the need for urgent action to fully implement the 1995 resolution on the Middle East for the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction. All States parties to the Treaty, particularly the nuclear-weapon States, are called upon to take all the necessary measures to fully implement it without further delay.

29. The New Agenda Coalition reaffirms that current modernization programmes are incompatible with both the letter and the spirit of the Treaty, and recommends that such programmes be halted immediately.

30. The New Agenda Coalition recommends that all nuclear-weapon States and those that rely on nuclear weapons in their security postures take measures to diminish the role of nuclear weapons in their military doctrines and calls upon such States to include in their regular reporting details progress towards this end.

31. The New Agenda Coalition recommends that measures be taken to increase awareness among civil society of the risks and the catastrophic impact of any nuclear detonation, including through disarmament education.

32. The New Agenda Coalition would like to see the new information and awareness that has emerged with regard to the catastrophic humanitarian consequences of nuclear weapons, including the disproportionate gendered impact of ionizing radiation, and associated risks reflected in the work of the 2020 review cycle.

33. The 2020 review cycle must take forward efforts to identify, elaborate and negotiate effective legal measures for nuclear disarmament. In this respect, the New Agenda Coalition welcomes the United Nations conference, convened pursuant to General Assembly resolution 71/258, to negotiate a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination, as an effective measure contributing to the implementation of article VI.

34. States parties to the Treaty should take into account that failure to fulfil agreements and undertakings reached at successive Review Conferences diminishes the credibility of the Treaty and may pose a threat to the long-term sustainability of the nuclear disarmament and non-proliferation regime. All States parties to the Treaty must pursue the full implementation of article VI without delay.

NPT/CONF.2020/PC.I/WP.10

Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

23 March 2017

Original: English

First session
Vienna, 2-12 May 2017

Informal dialogue between coastal and shipping States

Working paper submitted by Australia, Chile, Colombia, France, Ireland, Japan, New Zealand, Norway, Portugal, Spain and United Kingdom of Great Britain and Northern Ireland, as members of the informal dialogue between coastal and shipping States

The co-sponsors propose that the Preparatory Committee agree to submit to the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons the following language for inclusion in the final document of the Review Conference:

That the Review Conference:

(a) *Encourage* the continuation of the process of positive dialogue between coastal and shipping States established in Vienna as an informal mechanism in the margins of the General Conference of the International Atomic Energy Agency, aimed at improving mutual understanding, building confidence and enhancing communication in relation to the safe maritime transport of radioactive material, taking into account the confidentiality necessary for security purposes;

(b) *Welcome* a greater uptake by relevant coastal and shipping States of the guidelines on best practices for voluntary and confidential Government-to-Government communications on the transport of MOX fuel, high-level radioactive waste and, as appropriate, irradiated nuclear fuel by sea;

(c) *Note* the organization of tabletop exercises within the framework of the dialogue between coastal and shipping States.

17-04591 (E) 070417

Please recycle

Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

22 March 2017

Original: English

First session
Vienna, 2-12 May 2017

Nuclear disarmament

Working paper submitted by the Islamic Republic of Iran

I. Introduction

1. The present paper contains the main views of the Islamic Republic of Iran concerning nuclear disarmament. It outlines the global measures towards nuclear disarmament during the past 72 years, assesses the achievements and identifies the challenges related to the implementation of obligations under article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and the unequivocal undertakings by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament. It also includes a set of recommendations to the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons on the way forward to achieve the objective of a nuclear-weapon-free world.

II. Nuclear disarmament: a 72-year-old strong global demand

2. The unspeakable death and destruction caused by the horrible nuclear attacks on Hiroshima and Nagasaki in 1945 proved that nuclear weapons, as the most horrendous weapons, are unique in their destructive power; in the unspeakable human suffering they cause; in the impossibility of controlling their effects in time and space; and in the threat they pose to the environment, to future generations and indeed to the survival of humanity. Accordingly, the only absolute guarantee against the use or threat of use of nuclear weapons is their total elimination and assuring that they will never be produced again. Since then, nuclear disarmament and the total elimination of nuclear weapons has always been the highest global priority in the context of disarmament and arms control, which still continues to be supported by the overwhelming majority of the world's nations. Hence, it is a 72-year-old global demand pursued at the regular and special sessions of the General Assembly, multilateral disarmament machinery and transregional, regional and subregional organizations and forums, as well as through the establishment of nuclear-weapon-

Please recycle

free zones and the efforts and initiatives of academia, parliamentarians, non-governmental organizations and civil society. With no doubt, the advisory opinion of 8 July 1996 of the International Court of Justice on the legality of the threat or use of nuclear weapons is of utmost importance in highlighting the legal obligation of the nuclear-weapon States on nuclear disarmament. In recent years, it has been complemented by the worldwide attention given to the humanitarian impact of nuclear weapons. More importantly, nuclear disarmament has been the main purpose of the Non-Proliferation Treaty, which was followed in both its negotiation process and Review Conferences.

3. On 24 January 1946, the very first resolution of the first session of the General Assembly — as the primary policymaking and representative body of the United Nations composed of representatives of all Member States — unanimously called for the total elimination of nuclear weapons. During the past 72 years, the Assembly, by adopting well over hundreds of resolutions, has continued to stress the urgent need for the intensified global efforts to rid the world of the scourge of these inhumane weapons through their total elimination.

4. The first special session of the General Assembly devoted to disarmament, in 1978, was indeed a turning point in promoting the international disarmament agenda and machinery. Through the Final Document of that session, the Assembly acknowledged that "nuclear weapons pose the greatest danger to mankind and to the survival of civilization", since the "existing arsenals of nuclear weapons alone are more than sufficient to destroy all life on earth". While referring to mankind's only choices, to "proceed to disarmament or face annihilation", the Assembly identified removing such a threat as "the most acute and urgent task". It therefore called for effective measures aimed at "nuclear disarmament and the complete elimination of nuclear weapons" as the highest priority. At the same time, on several occasions, the Assembly underlined that the nuclear-weapon States, in particular those among them that possess the most important nuclear arsenals, "have the primary responsibility for nuclear disarmament". In this context, the Assembly also identified "the 'political will' of States, especially of those possessing nuclear weapons" as "the decisive factor for achieving real measures of disarmament".

5. On another important occasion, the first ever high-level meeting of the General Assembly on nuclear disarmament, on 26 September 2013, the General Assembly, while underlining the strong support, expressed at that meeting, "for taking urgent and effective measures to achieve the total elimination of nuclear weapons", called "for urgent compliance with the legal obligations and the fulfilment of the commitments undertaken on nuclear disarmament". Moreover, by endorsing "the wide support expressed at the high-level meeting for a comprehensive convention on nuclear weapons", the Assembly called "for the urgent commencement of negotiations in the Conference on Disarmament for the early conclusion of a comprehensive convention on nuclear weapons to prohibit their possession, development, production, acquisition, testing, stockpiling, transfer, use or threat of use and to provide for their destruction". Additionally, the Assembly designated "26 September as the International Day for the Total Elimination of Nuclear Weapons devoted to furthering this objective, including through enhancing public awareness and education about the threat posed to humanity by nuclear weapons and the necessity for their total elimination, in order to mobilize international efforts towards achieving the common goal of a nuclear-weapon-free

world", and also decided "to convene, no later than 2018, a United Nations high-level international conference on nuclear disarmament to review the progress made in this regard", which, in fact, would provide the international community of States with a valuable opportunity to advance nuclear disarmament.

6. Parallel to the efforts of the General Assembly, intense efforts on nuclear disarmament continued since the establishment of the multilateral disarmament machinery, that is, the Conference on Disarmament, the United Nations Disarmament Commission and the First Committee of the General Assembly, through which many proposals were made on how to eliminate these inhumane weapons entirely and what interim steps and long-term measures are required to achieve this objective.

7. In addition, the endeavours aimed at nuclear disarmament by the transregional, regional and subregional organizations and forums, such as those of the Non-Aligned Movement and the African Union, should be highlighted. For instance, the Heads of State and Government of the Non-Aligned Movement, in the final documents of the Sixteenth and Seventeenth Summits of the Movement, held in Tehran from 26 to 31 August 2012 and on Margarita Island, Bolivarian Republic of Venezuela, on 17 and 18 September 2016, respectively, stressed their "concern at the threat to humanity posed by the continued existence of nuclear weapons and of their possible use or threat of use" and "reaffirmed the Movement's principled position on nuclear disarmament, which remains its highest priority". They also "reiterated deep concern over the slow pace of progress towards nuclear disarmament and the lack of progress by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals in accordance with their relevant multilateral legal obligations". The Movement also took the initiative of convening the first ever high-level meeting of the General Assembly on nuclear disarmament, on 26 September 2013, during which President Rouhani of the Islamic Republic of Iran presented, on behalf of 120 States members of the Non-Aligned Movement, a three-point proposal on nuclear disarmament (as explained in paragraph 5 above). The proposal was supported by many of the representatives of the political and geographical groups, Member States and civil society participating in that meeting and was subsequently adopted by the Assembly in its resolutions 68/32, 69/58, 70/34 and 71/71 on the follow-up to the 2013 high-level meeting of the General Assembly on nuclear disarmament.

8. Equally important are the valuable measures at the regional level to establish nuclear-weapon-free zones, including in Latin America, Africa and different parts of Asia, which led to the absence of nuclear weapons in the respective territories of States parties to the treaties establishing such zones. Likewise, the efforts and initiatives of academia, parliamentarians, non-governmental organizations and civil society in enhancing public awareness and education about the threat posed to humanity by nuclear weapons and the necessity for their total elimination should never be underestimated.

9. The role of the advisory opinion of 8 July 1996 of the International Court of Justice on the legality of the threat or use of nuclear weapons also should be highlighted, through which the Court unanimously concluded that "there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international

control". Since then, the General Assembly, through its resolutions on the subject, has persistently called upon "all States immediately to fulfil that obligation by commencing multilateral negotiations leading to an early conclusion of a nuclear weapons convention prohibiting the development, production, testing, deployment, stockpiling, transfer, threat or use of nuclear weapons and providing for their elimination".

10. The recent worldwide attention given to the humanitarian impact of nuclear weapons, manifested in the active participation of States and civil society at the three conferences on the subject, held in 2013 in Norway, in February 2014 in Mexico and in December 2014 in Austria, respectively, enhances and complements the unanimous conclusion of the International Court of Justice that "there is in neither customary nor conventional international law any specific authorization of the threat or use of nuclear weapons" and the acknowledgement by the General Assembly, in its various resolutions, "that any use of nuclear weapons would be a violation of the Charter of the United Nations and a crime against humanity". These conferences provided the international community of States with a new forum to underline the catastrophic humanitarian, environmental and developmental impacts of a possible nuclear weapon detonation and thereby underscored the urgency and the essentiality of the need for nuclear disarmament.

11. The application of 25 April 2014 of the Republic of the Marshall Islands before the International Court of Justice against nuclear weapon possessors, on the *Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament*, should also be recalled as a new development in the context of the international efforts to achieve nuclear disarmament. This application, by accusing the nuclear weapon possessors of not fulfilling their obligations with respect to the cessation of the nuclear arms race at an early date and to nuclear disarmament — in particular by contending that "by not actively pursuing negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament", the concerned States parties to the Non-Proliferation Treaty have "breached" and continue to breach their "legal duty" to perform their "obligations under the [Treaty] and customary international law in good faith" — requests the Court to order them "to take all steps necessary to comply with" their "obligations under article VI of the Treaty and under customary international law within one year of the judgment, including the pursuit, by initiation if necessary, of negotiations in good faith aimed at the conclusion of a convention on nuclear disarmament in all its aspects under strict and effective international control". As it has been said, this unprecedented application, which "challenges the very legitimacy and legality of nuclear weapons possession" and rejects the view that there are legitimately held nuclear weapons, is one of the indicators of the existing attitudes and perceptions on the need for the total elimination of nuclear weapons.

12. Nevertheless, negotiating history and the text and the context of the Treaty on the Non-Proliferation of Nuclear Weapons, as well as the content of the outcome documents of its Review Conferences, confirm that one of the most — if not the most — important efforts towards nuclear disarmament has been made within the framework of this universal legally binding instrument. As clearly stated by the non-nuclear-weapon States before and during the negotiations leading to the conclusion of the Treaty, nuclear disarmament was the main incentive and objective.

They considered the Treaty "not an end in itself, but only a means to an end", that is, "the achievement of nuclear disarmament". It was based on this fundamental assumption that the non-proliferation of nuclear weapons, however positive it may be, derives its legitimacy from the larger objective of nuclear disarmament.

13. Subsequently, the parties to the Treaty declared, in its preamble, "their intention to achieve at the earliest possible date the cessation of the nuclear arms race and to undertake effective measures in the direction of nuclear disarmament" and urged "the cooperation of all States in the attainment of this objective". Moreover, through its article VI, each of the parties to the Treaty undertook "to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament". Additionally, the non-nuclear-weapon States parties to the Treaty ratified it on the basis of this essential assumption and fundamental agreement that the implementation of the Treaty would and should lead to a nuclear-weapon-free world. Definitely, they never intended to become party to a Treaty that divides States to the nuclear-weapon-haves and the nuclear-weapon-have-nots and legitimizes the indefinite possession of such inhumane and dangerous weapons by certain countries. The purpose of the Treaty is not about only preventing non-nuclear-weapon States from acquiring nuclear weapons; it is also about an inherently linked objective to this goal, that is, disarming nuclear-weapon States. The Treaty is about the elimination of all nuclear weapons, which is the only absolute guarantee against their scourge. The main purpose of the Treaty is that no one should have nuclear weapons. It is aimed at a nuclear-weapon-free world.

14. Demands for the full and immediate fulfilment of the obligations on nuclear disarmament under the Treaty have continued in its Review Conferences. In this context, important specific decisions regarding nuclear disarmament were made at the 1995, 2000 and 2010 Review Conferences. The 1995 Review and Extension Conference, in its decision 2, on principles and objectives for nuclear non-proliferation and disarmament, concluded that: "The undertakings with regard to nuclear disarmament as set out in the Treaty on the Non-Proliferation of Nuclear Weapons should thus be fulfilled with determination. In this regard, the nuclear-weapon States reaffirm[ed] their commitment, as stated in article VI, to pursue in good faith negotiations on effective measures relating to nuclear disarmament." Moreover, the Conference highlighted the importance of "determined pursuit by the nuclear-weapon States of systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goals of eliminating those weapons". Afterwards, the 2000 Review Conference agreed on the 13 "practical steps for the systematic and progressive efforts to implement article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and paragraphs 3 and 4 (c) of the 1995 decision on principles and objectives for nuclear non-proliferation and disarmament", which includes "an unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, to which all States parties are committed under article VI".

15. Additionally, "in pursuit of the full, effective and urgent implementation of article VI of the Treaty" and building upon the aforesaid decisions, as well as reaffirming "the continued validity of the practical steps agreed to in the Final Document of the 2000 Review Conference", the 2010 Review Conference, through its conclusions and recommendations for follow-on actions, agreed on a 22-point

"action plan on nuclear disarmament, which includes concrete steps for the total elimination of nuclear weapons". Through this action plan, "the Conference reaffirms the unequivocal undertaking of the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament", "reaffirms the urgent need for the nuclear-weapon States to implement the steps leading to nuclear disarmament agreed to in the Final Document of the 2000 Review Conference", "affirms the need for the nuclear-weapon States to reduce and eliminate all types of their nuclear weapons" and "reaffirms and recognizes that the total elimination of nuclear weapons is the only absolute guarantee against the use or threat of use of nuclear weapons". Likewise, by virtue of the action plan, "the nuclear-weapon States commit to undertake further efforts to reduce and ultimately eliminate all types of nuclear weapons". The Conference also decided to consider, during the 2015 Review Conference, "the next steps for the full implementation of article VI". Needless to say that due to the failure of the 2015 Review Conference, such steps should be considered by the 2020 Review Conference.

III. Nuclear disarmament: 47-year-old unfulfilled obligations and commitments

16. After 47 years since the entry into force of the Treaty on the Non-Proliferation of Nuclear Weapons, its States parties need to assess what the above facts and other figures are indicative of. What are the fulfilled and unfulfilled obligations and commitments on nuclear disarmament? In other words, where does the world stand now in terms of the number and destructive power of nuclear weapons? Is the present world more secure or more dangerous than that of the past? In addition, what are the challenges in the face of real progress for the establishment of a nuclear-weapon-free world to secure the present and upcoming generations against the horrendous threat of nuclear weapons?

17. The aforesaid facts and other figures and realities in the context of nuclear disarmament-related issues suggest that:

(a) During the past 72 years, not only has the demand for nuclear disarmament and the total elimination of nuclear weapons not declined but, quite the opposite, has severely been heightened, inter alia, as a result of the qualitative and quantitative improvement of such weapons by the nuclear-weapon States, which at some points were enough even to effectively end all human life on the planet several times over. The recent intensified international efforts, represented, in part, in the first ever high-level meeting of the General Assembly on nuclear disarmament, on 26 September 2013, and the three Conferences on the Humanitarian Impact of Nuclear Weapons, in 2013 and 2014, suggest that this demand continues to be pursued with determination and strong resolve;

(b) The active participation of States and civil society at the three Conferences on the Humanitarian Impact of Nuclear Weapons is a clear symbol of worldwide attention to the need for the total elimination of nuclear weapons and suggests that the present generation is not deceived by such arguments that as we experienced over seven decades a record of non-use of nuclear weapons, it is unlikely that they will ever be used again. On the contrary, today, the peoples of the world believe that our planet still is heavily booby-trapped with thousands of

nuclear warheads, and unless they are eliminated completely, they will almost certainly be used again, either intentionally or by accident, and in either case the consequences will be catastrophic, since the existing nuclear weapons have enough destructive power to transform the Earth into a dead planet. Tens of mishaps that might have started accidental nuclear war and other nuclear-weapon accidents, many of which remain unknown to the public, confirm this assessment. Unfortunately, some such accidents resulted in the loss of a number of nuclear weapons, a few of them still left on the ocean floor outside of any control, and sooner or later their poisonous material will leak into this common heritage of mankind;

(c) The adoption of the Comprehensive Nuclear-Test-Ban Treaty, with all its imperfections, was indeed a step in the right direction. However, the first country that signed that Treaty and still fails to ratify it continues to defy its object and purpose by resorting to "today's modern world of virtual capacity, computerization and artificial intelligence". Accordingly, nuclear-weapon States refraining from its ratification has not allowed for its entry into force over 20 years after its adoption. More importantly, the efforts of nuclear-weapon States in modernizing their nuclear weapons and developing new types of such weapons, including by conducting nuclear-weapon tests in alternative ways — that clearly contradict the object and purpose of the Non-Proliferation Treaty — are other sources of grave concern with regard to nuclear disarmament. In this context, one should recall the 2014 application before the International Court of Justice on the *Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament* by the Republic of the Marshall Islands, a country that continues to suffer from 67 nuclear weapons detonated over the Islands from 1946 to 1958, one of which, Castle Bravo, was around 1,000 times more powerful than each of the atomic bombs dropped on Hiroshima and Nagasaki. The long-lasting effects of such detonations on the Islands and its people prove how devastating and uncontrollable the effects of nuclear weapon detonations are on the environment and human life, even the generations as yet unborn, and how urgent the need for the total elimination of such weapons is;

(d) The increase in the number of States parties to the Non-Proliferation Treaty during the past 47 years is, of course, a great achievement. However, its failure in gaining the universal characteristic remains a serious challenge to its effectiveness. As "zero" is called as "the only safe number of nuclear weapons on the planet", without doubt, "zero is the only acceptable number of countries outside the Non-Proliferation Treaty". Accordingly, only the universalization of this fundamental instrument can ensure its effectiveness and continued relevance;

(e) There exists a 47-year-old explicit legal obligation to achieve nuclear disarmament leading to the total elimination of all nuclear weapons and certain decisions made and agreements reached within the context of the Review Conferences of the Treaty to make progress on their implementation. Adoption of the 13 practical steps for the systematic and progressive efforts to implement article VI of the Treaty by the 2000 Review Conference and a 22-point action plan on nuclear disarmament by the 2010 Review Conference are among such decisions;

(f) Even though the incomplete, selective and discriminatory implementation of the Treaty provisions is considered one of its challenges that

needs to be effectively addressed, its main implementation challenge is the lack of real progress in the fulfilment of nuclear disarmament obligations under article VI of the Treaty by all the nuclear-weapon States and the breach, by certain nuclear-weapon States, of their nuclear non-proliferation obligations under articles I and III of the Treaty, represented, inter alia, in their nuclear-weapon-sharing policies and their direct or indirect assistance to countries outside the Treaty to develop nuclear weapons;

(g) It cannot be denied that the adoption of the 13 practical steps for the systematic and progressive efforts to implement article VI of the Treaty and the 2010 action plan on nuclear disarmament renewed hopes, at least during the 2000 and 2010 Review Conferences, about the implementation of the obligations under article VI of the Treaty. Nevertheless, the lack of substantive progress in their implementation so far, as proved by the assessments made on the implementation status of the 13 practical steps and the 2010 action plan on nuclear disarmament, has regrettably deepened the already existing frustration of the non-nuclear-weapon States about the lack of political will on behalf of the nuclear-weapon States in fulfilling their legal obligations under article VI of the Treaty and their unequivocal undertaking to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament. It is a source of deep concern that the most optimistic assessments do not confirm that even one action out of 22 actions of the 2010 action plan on nuclear disarmament is completely implemented. These facts, along with the inability of the 2015 Review Conference to adopt an outcome document, illustrate a very uncertain and unpromising future unless concrete decisions, with a time-bound implementation plan, are made by the 2020 Review Conference to rectify this trend;

(h) The establishment of nuclear-weapon-free zones in different parts of the world is an achievement the contribution of which to international peace and security should not be underestimated. However, they are incomplete unless and until a nuclear-weapon-free world is established. They contribute to the larger objective of nuclear disarmament, but are not a substitute for the total elimination of nuclear weapons worldwide. Other challenges with regard to such zones are, inter alia, the abstention of certain nuclear-weapon States from granting full, effective, non-discriminatory, unconditional and irrevocable legally binding security assurances to all the parties to treaties establishing these zones against the threat or use of nuclear weapons under all circumstances, as well as the absence of political will by certain non-parties to the Non-Proliferation Treaty in support of the establishment of such zones in other parts of the world. In this context, the refusal of the Israeli regime to participate in the implementation of the resolutions and decisions on the establishment of a nuclear-weapon-free zone in the Middle East is a living example;

(i) Despite the recent release, by certain nuclear-weapon States, of some information on their nuclear weapon arsenals, excessive secrecy prevents the public from knowing the exact number of nuclear weapons in the world. According to the latest estimates, today there exists more than 15,000 nuclear weapons worldwide. This means, quantitatively, there are nearly 79 per cent fewer than the Cold War peak of around 70,000 warheads in the mid-1980s. However, this is only one part of the fact regarding reduction of nuclear weapons. To have a complete and factual assessment about the quantity and quality of existing nuclear weapons worldwide,

their danger and reduction efforts, one should also take into account the following facts:

(i) Most of the reduced warheads have only been moved from operational status to various reserve, inactive or contingency categories, since concerned agreements, including the Strategic Arms Reduction Treaty, have not only failed to require the destruction of warheads, but have also ignored both non-strategic and non-deployed warheads, and thus most of more than 125,000 nuclear warheads that have been built since 1945 continue to exist and actually have not yet been dismantled. Nuclear disarmament, definitely, is beyond the mere decommissioning of nuclear weapons or reducing their number while preserving even the higher destructive power. Therefore, the principle of irreversibility, as agreed in the successive Review Conferences of the Treaty, has not been applied to such reductions. At the same time, reduction of nuclear weapons, however positive it may be, is not a substitute for their total elimination;

(ii) The yield of nuclear weapons has been increased from kilotons to megatons — through the replacement of atomic bombs (A-bombs) with hydrogen bombs (H-bombs), which are thousands of times more destructive than them — as a result of which most of the existing nuclear weapons would explode with a force roughly 8 to 100 times larger than the bombs dropped on Hiroshima and Nagasaki. Therefore, it is hardly acceptable to argue that, qualitatively, the destructive power of current nuclear weapons is less than that of the Cold War era;

(iii) According to the latest information released, in spite of clear commitments of the nuclear-weapon States, the role of nuclear weapons in their military concepts and doctrines is not diminished and remains an integral part of such doctrines. It is estimated that more than 2,200 existing nuclear warheads are on alert, ready for use in minutes or hours. This situation is also indicative of the continued existence of the risk of their accidental use and nuclear-weapon mishaps;

(iv) Despite reduction efforts by certain nuclear-weapon States, regrettably, all nuclear weapon possessors continue to modernize or upgrade their nuclear weapons arsenals and certain nuclear-weapon States have plans to develop new types of such weapons;

(v) Since the non-strategic nuclear weapons are designed for battlefield contingencies, the probability of their use is much greater than the strategic nuclear weapons. Much worse is that while none of the bilateral nuclear arms reduction agreements have covered the issues related to the non-strategic nuclear weapons, the development of new types of such weapons, including by many of the nuclear weapon possessors, continues unabated, which, by reducing the threshold for their use, increases the possibility and risk of their use. At the same time, although in the year 2000 certain nuclear-weapon States committed, in the framework of 13 practical steps, to "the further reduction of non-strategic nuclear weapons, based on unilateral initiatives and as an integral part of the nuclear arms reduction and disarmament process[5]" and reaffirmed this commitment in the 2010 action plan on nuclear disarmament,

unfortunately there is still no tangible progress in the implementation of such commitments;

(vi) Above all, one should also take into account the recent disappointing announcement by a certain nuclear-weapon State that it intends to continuously strengthen and expand its nuclear arsenal to make sure that it is at the "top of the pack" and is "never going to fall behind on nuclear power". In addition, such an important, yet imperfect, arms reduction treaty as the Treaty on Measures for the Further Reduction and Limitation of Strategic Offensive Arms was criticized as "a one-sided deal" and "bad deal". All such provocative statements should be considered as a clear indication of, and an explicit invitation for, the start of a new nuclear arms race. As it runs counter to the obligations under article VI of the Non-Proliferation Treaty and clearly contradicts its object and purpose, which is an issue of concern to all non-nuclear-weapon States parties to the Treaty, it needs to be considered by the 2020 Review Conference;

(j) Contrary to the explicit obligations under articles I and II of the Treaty, nuclear-weapon-sharing between the nuclear-weapon States themselves or between them and non-nuclear-weapon States parties to the Treaty continues to exist, the living example of which is nuclear-weapon-sharing within a certain military alliance as well as with the countries known as the nuclear-weapon umbrella States. Such practices, by actual proliferation of nuclear weapons, including through their deployment in the territory of some non-nuclear-weapon States parties to the Treaty, seriously undermine the object and purpose of the Treaty and challenge its effectiveness and credibility. Regrettably, such unjustifiable practices are undertaken by those parties to the Treaty that pretend to be the greatest advocates of the non-proliferation of nuclear weapons;

(k) The commitment of the non-nuclear-weapon States under the Treaty in preventing the diversion of nuclear material from peaceful uses is effectively verifiable through the implementation of the concerned safeguards agreement. However, there is no established international mechanism to verify the compliance with the obligations under the Treaty by the nuclear-weapon States and those non-nuclear-weapon States parties engaged in agreements or arrangements on nuclear-weapon-sharing. Likewise, there is no established international mechanism to verify effectively the implementation of unilateral, bilateral and multilateral declarations made or agreements reached regarding the fulfilment of nuclear disarmament obligations in order to assure the international community of States of the actual reduction of nuclear weapons and their elimination. This situation is one of the essential challenges of nuclear disarmament that needs to be addressed by the Review Conference;

(l) Moreover, the abrogation of the Anti-Ballistic Missile Treaty — which was called by the 2000 Review Conference "a cornerstone of strategic stability and ... a basis for further reductions of strategic offensive weapons", and hence its "preserving and strengthening" was requested in the context of the 13 practical steps — and the acts of some nuclear-weapon States in deploying global missile defence systems in other countries are of a provocative and destabilizing nature. These are among the setbacks to the implementation of the agreements of the 2000 Review Conference;

(m) At the same time, taking into account the serious security threat that the existence of thousands of nuclear weapons continues to pose to the very survival of humankind and the fact that as long as such weapons exist, the risk of their possible use or threat of use persists, and thus their total elimination is the only absolute guarantee against their use or threat of use, there is a need, pending the realization of this objective and as an interim measure only, to grant to all non-nuclear-weapon States parties effective, universal, unconditional, non-discriminatory and irrevocable legally binding security assurances against the use or threat of use of nuclear weapons under all circumstances. Nevertheless, as current frameworks to provide such assurances are very limited, conditional and insufficient and above all can justify the use of such weapons by resorting to such concepts as "defending the vital interests" of a nuclear-weapon State or its "allies and partners", the lack of progress in this field is another challenge that intensifies the frustration of non-nuclear-weapon States parties with regard to the issues related to nuclear disarmament;

(n) Above all, in our view, the main challenge of nuclear disarmament is the lack of genuine political will by the nuclear-weapon States to fulfil their legal obligations under article VI of the Treaty and implement their unequivocal undertakings to accomplish the total elimination of their nuclear arsenals. A fair and realistic assessment of the actual results of policies, efforts, decisions, initiatives and other measures on nuclear disarmament at the unilateral, bilateral, regional and international levels indicates that, in the absence of a strong genuine political will by the nuclear-weapon States, even the adoption of the most practical decisions and action plans and above all, having in place a universal legally binding instrument, will not lead the international community of States to a nuclear-weapon-free world. The current lack of genuine political will by the nuclear-weapon States definitely will add to already existing frustration of the non-nuclear-weapon States. However, this will not be the only impact of the lack of political will. The persistence of this situation, with no doubt, will gradually erode the validity and credibility of the Non-Proliferation Treaty, lessen its effectiveness and have a negative impact on international peace and security, which certainly is not in the common interest of present and future generations.

IV. Nuclear disarmament: necessity of generating strong genuine political will to fulfil obligations and commitments

18. Achieving nuclear disarmament as the fundamental objective of the Non-Proliferation Treaty is of essential importance. Taking into account the current implementation status of the obligations on nuclear disarmament under the Treaty and final documents and action plans of its Review Conferences, and in line with action 5 (g) of the 2010 action plan on nuclear disarmament, through which the Conference decided to consider, during the 2015 Review Conference, "the next steps for the full implementation of article VI", and taking into account the failure of the 2015 Review Conference, the 2020 Review Conference is highly expected, by building upon the existing momentum on nuclear disarmament, created, inter alia, by the first ever high-level meeting of the General Assembly on nuclear disarmament, on 26 September 2013, and the three Conferences on the Humanitarian Impact of Nuclear Weapons, in 2013 and 2014, to take concrete actions to rectify the current status of implementation of the obligations and

commitments on nuclear disarmament so as to stop the ever-deepening frustration of the non-nuclear-weapon States, prevent the continuous erosion of the credibility of the Treaty and end the situations undermining the effectiveness of this important instrument.

19. To this end, the Islamic Republic of Iran proposes the following elements for their incorporation into the nuclear disarmament section of the final document of the 2020 Review Conference:

"*Reaffirming* that taking all necessary practical measures for the total elimination of all nuclear weapons worldwide, including to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control, is a legal obligation to which all States parties are committed under article VI of the Treaty;

"*Acknowledging* the strong support, expressed at the first ever high-level meeting of the General Assembly on nuclear disarmament, on 26 September 2013, for taking urgent and effective measures to achieve the total elimination of nuclear weapons and the "urgent compliance with the legal obligations and the fulfilment of the commitments undertaken on nuclear disarmament";

"*Expressing deep disappointment* over the lack of tangible progress so far in the implementation of the obligations under article VI of the Treaty and the unequivocal commitments under the 13 practical steps for the systematic and progressive efforts to implement article VI of the Treaty and the 2010 action plan on nuclear disarmament, and confirming the continued validity of all such obligations and commitments until all their objectives are achieved;

"*Underscoring* that the lack of practical progress in the fulfilment of obligations under article VI of the Treaty and the unequivocal commitments under the 13 practical steps for the systematic and progressive efforts to implement article VI of the Treaty and the 2010 action plan on nuclear disarmament cannot continue indefinitely, and therefore their implementation should be time-bound, defined by taking into account the long delay in the implementation of such obligations and commitments and the urgent need for their full and immediate fulfilment;

"*Confirming* that all States parties undertake to urgently commence the negotiations, in the Conference on Disarmament, for the early conclusion of a comprehensive convention on nuclear weapons to prohibit their possession, development, production, acquisition, testing, stockpiling, transfer, use or threat of use and to provide for their destruction as called for by the General Assembly in its resolutions 68/32, 69/58, 70/34 and 71/71;

"*Acknowledging* the momentum on nuclear disarmament, created, inter alia, by the first ever high-level meeting of the General Assembly on nuclear disarmament, on 26 September 2013, and the three Conferences on the Humanitarian Impact of Nuclear Weapons, in 2013 and 2014, and calling for more broad and active participation of States parties in the annual meetings of the General Assembly on the occasion of the International Day for the Total Elimination of Nuclear Weapons;

"*Reaffirming* that "the United Nations high-level international conference on nuclear disarmament" in 2018, the convening of which was

decided by the General Assembly in its resolution 68/32, provides the international community of States with a valuable opportunity to review the progress made in nuclear disarmament and make concrete decisions to advance the objective of a nuclear-weapon-free world, and accordingly urging all States parties to participate actively and at the highest possible level in that high-level international conference;

"*Urging* the United Nations high-level international conference on nuclear disarmament to consider, as a high priority, the adoption of a deadline for the total elimination of nuclear weapons worldwide;

"*Inviting* the States parties to take additional appropriate measures in further mobilizing the international efforts towards nuclear disarmament, in particular on 26 September of every year as the International Day for the Total Elimination of Nuclear Weapons, including through enhancing public awareness and education about the necessity for the total elimination of nuclear weapons and removing the threat posed to humanity by their continued existence;

"*Confirming* the commitment of all nuclear-weapon States to take concrete measures to diminish, and ultimately exclude completely, and no later than 2025, the role of nuclear weapons in their military and security doctrines, concepts and policies so as to ensure that there is no nuclear weapon in operational status;

"*Confirming* also the commitment of all nuclear-weapon States to cease completely, and no later than 2025, all plans aimed at upgrading and refurbishing their existing nuclear-weapon systems and their means of delivery, developing new types of nuclear-weapon systems and constructing any new facility for the development, deployment and production of nuclear weapons and their means of delivery at home and abroad;

"*Underlining*, once again, the importance of applying the principles of transparency, irreversibility and verifiability in all activities of nuclear-weapon States related to the fulfilment of their obligations on nuclear disarmament and the implementation of their unequivocal commitments to accomplish the total elimination of their nuclear arsenals, and deciding to consider, in the 2025 Review Conference, as a high priority, the establishment of a robust international mechanism for the verification of the fulfilment of nuclear disarmament obligations by the nuclear-weapon States;

"*Acknowledging* that the implementation of obligations under article VI of the Treaty is neither optional nor conditional and that, as unanimously concluded by the International Court of Justice in its advisory opinion of 8 July 1996, "the legal import of that obligation goes beyond that of a mere obligation of conduct; the obligation involved here is an obligation to achieve a precise result — nuclear disarmament in all its aspects — by adopting a particular course of conduct, namely, the pursuit of negotiations on the matter in good faith";

"*Deciding* to consider, as a high priority, during the 2025 Review Conference, the next steps for the full implementation of article VI of the Treaty."